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ABSTRACT

The purpose of the annual leadership conferences is to establish a continuing forum to stimulate dialogue among special education leadership personnel from the public schools, university training programs, and state education agencies. A critical factor in the selection of topics was the recognition that leaders in the field must design their programs to contain internal change systems that prohibit static programming. Papers included in the first volume were related to the emerging need to develop services and training systems defined as noncategorical and performance-based rather than categorical and etiologically based. The second volume includes papers that deal with the implications of recent litigation and court findings for the development and conduct of special education leadership systems. (Author/MLF)

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special education leadership series

volume I: decategorization and performance-based systems

volume II: special education in court

EDITORS
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Jerry C. Gross
Richard F. Weatherman

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First, credit for sponsoring these conferences and dissemination of the results must go to the Board of Education and the Superintendent who set the climate in the School District to nurture this dimension of professional education. The Minneapolis Administration and the Board of Education have long been looked on as leaders, and it was rewarding to have their guidance and support in this effort.

Other professional educators willingly gave their time to assist in the conduct of the conference and the publication of this document. We are grateful to Dr. Van Mueller, Chairman of the Department of Educational Administration at the University of Minnesota, for the thoughtful evaluation of the conference participants' input and discussion sessions. The summaries which Dr. Mueller provided gave rise to new directions in the format and structure of the conferences.

The demanding tasks of working with conference participants on final paper drafts and with printer and publisher were handled efficiently by Ms. Karen Swenson and Mr. Donn Hoffman; they should be given special recognition. Our thanks go to them for keeping busy professional personnel from State Departments, Universities, and Public Schools within the publication deadlines. Credit for continuity and readibility of this document goes to Dr. Dewey Force who acted as technical advisor to the editors in the organization and format of the individual papers. We thank him for his patience and assistance in writing style. We wish also to acknowledge the assistance and support of our secretaries and clerks whose work on the drafts and final document was indispensable.

Finally, our appreciation is extended to the members of the Minneapolis Association for Children with Learning Disabilities whose members served tirelessly at the information and registration booth.

PREFACE

This book contains the proceedings of the first and second Annual Invitational Special Education Leadership Conferences. These Conferences, sponsored by the Special Education Division of the Minneapolis Public Schools, were held on November 8-9, 1971, and November 13-14, 1972 in Minneapolis, Minnesota. Co-chairmen for the two conferences were Dr. Richard Johnson, Minneapolis Director of Special Education and Dr. Jerry Gross, Assistant Director of Special Education. Dr. Richard Weatherman, Associate Professor of Special Education at the University of Minnesota, served as Conference Coordinator.

The purpose of these annual leadership conferences is to establish a continuing forum to stimulate open dialogue among special education leadership personnel from the public schools, university training programs, and state education agencies.

The central themes of these conferences – implications of performance based special education programs for leadership systems, and the role of the courts as change agents in special education programs – were of critical interest and were important in assessing current status of the role leadership personnel were assuming in guiding the future of special education. A critical factor in the selection of these topics was the recognition that leaders in the field must design their programs to contain internal change systems which prohibit static programming. Further, it was becoming clear that, for those programs unable to develop internal responsiveness to changing client and societal needs, change would still occur; but would be imposed on the system as recent Pennsylvania, Washington, D.C. and other court actions have shown.

Volume I of this book contains papers which relate to the first topic – implications of performance based special education programs for leadership systems.

Volume II includes contributions on the role of the courts as change agents.

RAJ, JCG, RFW

INTRODUCTION

Extemporary remarks of:
Dr. John B. Davis, Jr.
Superintendent of Schools
Minneapolis Public Schools

The programs of these conferences, the representation of two separate gatherings of the Nation's special education leadership, are in my opinion a unique effort – unique in terms of both the candor of self-analysis of the profession represented by the various speakers and of its sponsorship. Regarding the latter, it would be an error if I did not acknowledge the pleasure and the pride which is mine in realizing that major planning of these conferences was the creature of the thinking of people of the Minneapolis Public School system. The faculty and staff of the Minneapolis system are on the edge of a great deal that is significant and important in education, and these conferences represent one of the indicators. One of the reasons why a superintendent can stand relatively high with respect to the accomplishment of a school district when contrasted with many other school systems of the country is that he has a lively, vital, and energetic staff and faculty. These conferences are indeed a representation of a quality in the Minneapolis Public Schools and the effectiveness with which the State Department, the University, and our school system, in concert with schools in the area, have been able to bring together a great resource to provide these annual meetings for the continuing discussion of issues critical to the field of special education and to the schools.

It is good that special education leaders have come together and that this document records the proceedings of these first two leadership conferences. The constancy of keeping alert is probably one of the best harbingers of successful accomplishment for students. If any institution in America had better be on its toes, it is the public school system. It is to the United States that individuals and groups or classes of individuals have looked for the sustenance, for the support, for the comfort, and for the opportunities to equalize life's chances. The public school, for all of its critics, has been the institution relatively close to a public not yet satisfied, relatively close to those conceptualizing persons in our communities who can see what the schools could accomplish given the proper direction and support, and who have not hesitated to take the next necessary steps to insure that a public institution, a public school system, be fully responsive to that infinite variety of need which is represented by our students.

The papers reported herein relate specifically to court intervention and to ways of effectively serving handicapped boys and girls. No one in a public school can be divorced from the effectiveness of court intervention, nor from the need to change serving systems. You in special education have felt the hand of the judicial process perhaps most recently; but actually, as I see court intervention and court mandate in terms of special education, I see it as a part of a total emphasis from society to get on with the important work of equalizing and enhancing opportunities for a wide variety of youngsters. The recent law suits have examined the dimensions of equality of educational opportunity. This presents to us in the schools a very interesting issue, a philosophical and social issue of whether it shall be equality of educational opportunity or equal educational opportunity. And there's a difference, and into this must come the concept of equity. The focus on disparity, the focus on the rejected, and the focus on the question of the allocation of resources as one means of creating equity have impact on all of our lives.

A key question is that of how to allocate resources in a nondiscriminatory way in order to meet effectively the needs of clients. It certainly is too rigid to think that the equal allocation of dollar for dollar is an appropriate way to proceed in terms of permitting education and learning to take place. There is some concern in the Serrano Case, which in a true sense is a class action, that there be equal allocation of dollars without taking into account the efficiency and the effectiveness of those who are at the receiving end of the dollars and their capability of making them productive; and, on the other hand, taking into account the size, the flexibility, and the capability of the institution itself to be efficient and productive with the dollars to be expended. To my knowledge deprived children and handicapped children obviously require more, rather than less, of the resources that can become available.

In my judgment as I have read their decisions, the courts have said in effect that there must be a re-examination of the distribution of funds and a re-examination of the priorities by which schools meet the needs of clients. The courts, as far as I can establish, have not been specific in terms of prescription, saying rather that this burden is on the shoulders of you who manage, you who teach in schools and you who supervise at the state department level. But there must be reasonable plans for meeting demonstrated needs.

The point seems clear that it is not exclusively in the area of special education that these class actions, these demands from society, these expectations from frustrated parents have come. Perhaps the first significant benchmark was the Brown Case which found that separate isn't equal, a great class action decision which we are still struggling to comprehend. To tie into our Minneapolis situation, I would hasten to add that thoughtful people took the Minneapolis Board, administration, faculty and staff to court on the basic question that confronts us as we seek to equalize and improve human conditions. While it is true that 95 or 98 percent of the plan that our faculty and our staff developed for desegregation was approved by the courts, we in Minneapolis are, nonetheless, under a court order to improve the educational and learning opportunities for our youngsters on the basis of arriving, and quickly, at a desegregated-integrated school district.

The **J. Skelly Wright Case** (Hobson v. Hansen) in Washington, D.C., having to do with the allocation of children to tracks, the branding, classifying, and categorizing of the children and the amount of money that was available for the education of those youngsters, is another illustration outside of special education of class action litigation having its impact and probably having effective results in improving opportunity for children.

In Minneapolis we have dealt with a basic question of women's rights, a class action. A group of people are saying to us that history has not dealt with them as properly as it might have in terms of equity, in terms of equality. We have an interesting case now, in a tentative state. We are dealing with the question of the equal opportunity for girls in our school system in physical education opportunities. Also, I know of a school system in another state that has been taken to court because all children in that school system had not been afforded a hot lunch program.

These are illustrations then of communities looking at schools and stating that, on the basis of civil rights, on the basis of human rights, on the basis of due process, on the basis of the Fourteenth Amendment which indeed embraces the concept of due process and equal opportunity, on the basis of our sometimes nonthoughtful allocation of classification and categorizing to students, we had better take a new look at how we are operating as school districts. Local schools are being forced with the potential of having to reorder the allocation of their resources to look at how they may deal as effectively as possible with all of the children from all of the conditions which give character to growing up in America today.

Equal education, equal opportunity for education, and equity: local boards and local faculties can no longer expect to be divorced from the press of thoughtful people.

If we continue to push out the youngster who it is not comfortable to have in the classroom, compromising our position relative to our facilities for providing specialized educational opportunity, or denying (by some other perhaps even capricious act) youngsters from the opportunities inherent in that great concept of a public school system, we must be aware of both the short and long term consequences.

Responding to human needs is an activity that can be filled with some joy; but it is an activity which for all of us, as we seek to find the instrumentalities and the energy and the resources to meet needs mandated by courts, by thoughtful parents, and by the public conscience which is beginning to emerge, can also and must indeed have its travail. To maintain a countenance and a commitment of joy and happiness as we look to the thousands and thousands if not indeed the millions of boys and girls whom we do not adequately serve, is indeed to walk in a sense in the shadow of travail. But out of it can be a joy, because in this joy, it seems to me, we have more and more of the opportunity to carry to our communities, to communicate with our parents, to talk with our clients, about what might be if there was a total commitment to making public education as vibrant and as responsive to their needs as are the boys and girls for whom we provide specialized educational programs.

If this joy of total commitment is to be realized, however, special and general educators must attend to the need to organize leadership and service resources so that meaningful change might take place. Strategies of change are multiple, perhaps infinite. What we have to take into account is that, if we are to bring about the change we want, the impact must be on those in the local schools who deal most regularly and, hopefully, effectively with children. And part of the strategy for change will have to be directed to the task of making it increasingly possible for schools and learning to be of interest to students.

As we look at strategies of change, another point is the necessity to involve the family and the student increasingly in the processes of education and in the understandings necessary with respect to what education is designed to do. Be it regular education, if there be such a thing, or special education, if there be such a thing, if we leave the family and the citizenry or the clients of the school out of the process, we will probably have committed a grievous sin.

Finally, as we develop strategies of change, we must encourage our colleagues in the teaching profession to be venturesome, to lead forth and to attempt to explain clearly what it is that education must seek to do and what it means to individualize instruction in the many classrooms of our nation — what education is, what it can become, why it is important, why we do certain things that we do, and why special education and services are called upon in an effort to meet the infinite variety of needs which students in our classrooms present. If teachers can't be encouraged to become much more encompassing in their capabilities to assist students, then I think that we will have not fully accomplished our goals. Sharpen the skills of teachers. Encourage the capabilities in teachers to reach forth and utilize your knowledge and your expertise. Being the intermediary is no easy task, but the goal of maximizing the skills of regular class teachers is directly related to special education's reasoned attempt to minimize the impact of labeling and to diminish reliance on segregative serving systems.

It is my hope that these special education leadership conferences have enhanced these ends and that this document will be utilized to produce further awareness among those who might assist in providing equity and equality for handicapped and less advantaged children.

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volume 1
decategorization and performance based systems

VOLUME I – OVERVIEW

Papers included in this volume are those which were presented at the November, 1971 Leadership Conference. The basic issues discussed by staff and participants at this conference were related to the emerging need to develop services and training systems defined as noncategorical and performance-based rather than categorical and etiologically-based.

The first of the papers in Volume I deals with the need for special educators to utilize performance-based, noncategorical, program models. Dr. Balow makes a strongly worded case for the necessity and immediacy of performance-based systems, based both upon his perusal of current educational literature and his observations of the field from the U.S. Office of Education. Dr. Reynolds follows with some conceptual tools and points of concern which should be considered in formulating the design of noncategorical service systems.

In his paper, Mr. Melcher considers, from a state education agency viewpoint, some of the problems to be solved in implementing "mainstream" programs for handicapped children, both within special education and in forging closer ties with general education.

A critical variable in designing and implementing new or modified programs is the effectiveness and usefulness of various formal and informal change strategies. Two papers are presented which refer to this topic. Dr. Cunningham discusses change systems in relationship to urban education, while Dr. R. Johnson explores various assumptions related to the process of change and discusses several specific change strategies.

Regarding implications of a performance-based approach, Dr. Gross presents a conceptual model for designing noncategorical leadership systems, and Dr. Weatherman discusses future leadership training needs as noncategorical service systems evolve.

At the time the first leadership conference was planned, only a relatively small number of school districts and other related agencies had undertaken to develop noncategorical systems, including Minneapolis, Minnesota; Washington, D.C.; Houston, Texas; and the Maryland State Education Agency. Several papers are included which are progress or status reports on these efforts. Dr. J. Johnson, formerly Associate Superintendent for Special Education in Washington, D.C., reports on the Washington, D.C.

special education effort. Dr. Chaffin, University of Kansas at Lawrence, summarizes efforts at the training program level; and Mr. Partridge, Texas Educational Agency Special Education Director, relates the Texas effort at state-wide change.

In the final paper of Volume I, Dr. Martinson summarizes participant reactions to several of the conference papers.

part I
rationale and critical issues

THE RATIONALE FOR PERFORMANCE-BASED SPECIAL EDUCATION LEADERSHIP SYSTEMS

Bruce Balow, Director
Division of Training Programs
Bureau of Education for the Handicapped
U.S. Office of Education

This paper is intended to raise questions about current administration and leadership assumptions in special education which may be fundamentally in error. It will question those processes and procedures which frequently seem inappropriate, inept, and certainly less than successful. It will touch upon some surface-level ideas in relation to the potential for gain available in a performance-based leadership system.

A number of factors impinge upon business-as-usual procedures in special education and are forcing change upon the field. Beyond the purely internal factors are external matters which argue for a performance-based leadership system; in both cases there are professional, political-educational, and ethical or moral elements. Let us begin with some of the elements of contemporary society which create a very distinct press toward performance standards.

First, the educational emperor's clothes have been recognized for what they are. The tremendous upsurge in the past ten years of serious, responsible criticism of the public schools represents something exceedingly important to educators. The absence of the emperor's clothing is bad enough, but an appallingly unhealthy physique is now exposed. Education has reaped an enormously large and varied harvest of criticism from the full range of observers: from children themselves, who are often badly served, and the parents of such children; from teachers, the Jonathan Kozols and the Holts; from the researchers, the Colemans and Silbermans; and from philosophers, the Illiches and Goodmans. The entire spectrum of the public has raised fundamental questions about our system of education. Many of these responsible people are suggesting that the persons who run school systems cannot and will not respond adequately to the tasks and objectives facing them.

J. M. Stevens has succinctly presented a large amount of educational research in his little book, *The Process of Schooling, 1967,* in which he defines schooling as that part of education for which educators are responsible and summarizes much evidence showing that schooling is a failure. It may be that Stevens is correct – that schooling in fact has failed. When he uses research from the field of education to demonstrate that schooling is of limited consequence, it is difficult for educators to denigrate or to ignore his point of view.

Today, more sharply than ever, special education is being challenged in the same way as education in general. Our formula answers of the past generation are being tested, evaluated, and often found wanting.

A second item on the contemporary scene is the litigation brigade which now insists that special education systems actually provide for all handicapped children, that seriously and profoundly handicapped children not be excluded from schools, that the schools live up to their responsibility to provide equal educational opportunity for all children. The Pennsylvania case made it very clear that severely handicapped children must indeed be educated by the school system. It is no longer a responsibility which we may forget or neglect.

A third factor is the rising concern for children excluded from school. The organizational systems that have been established and the ways in which administrators and teachers function quite frequently are used as devices against children resulting in exclusion of the more troublesome from school. The school bureaucracy commonly protects itself rather than the children whom it is supposed to serve. Despite the dramatic increase of the past 20 years in money and systems of special education service, large numbers of children have been excluded from school. Children are excluded for behavioral reasons at the high school level and for developmental reasons at the primary level. In between are unknown numbers of children demitted because of cosmetic, locomotive, or health fears essentially unrelated to schooling.

A fourth item on the contemporary scene is techniques of behaviorism which make performance standards attainable, coupled with a ten-year history of planning-programming-budgeting systems and management by objectives in the business world. These circumstances come together to make more strong the case for performance standards in schools. It used to be that people could claim that it does not matter what a teacher does because a child will either learn or he will not. No one got greatly excited over what the teacher did or did not do; but now that it seems much more possible for given events to condition given outcomes, formal schooling is being taken more seriously.

Last, there are a number of status changes, including a decreased number of primary grade pupils; an increased supply of teachers, leading, under current standards of employment, to a surplus of supply over demand; reduced teacher turnover; somewhat more realistic salaries and working conditions; a rise of strength and militance in teacher organizations; and a resistance to increased taxes for education on the part of the general public.

These changes, and others which could be named, argue that it is past time for educators to put their house in order. That such a statement is being made increasingly, with increasingly solid reasons, means that there is a distinct cultural press to make constructive changes. These factors force educators to welcome performance standards.

In the political-educational realm accountability is in the air. Business people and, to some extent, the military and other areas of government have been using the term for some time. While the politicians have not placed their own behavior fully on performance standards or on a system of accountability, every two, four, or six years they are held accountable for what they say and sometimes for what they do. With so many elements of society moving into accountability systems educators cannot claim a special exclusion.

On the moral-ethical dimension, performance-based standards will help educators to better evaluate, better educate, and better serve handicapped children. It offers some hope of eliminating such diversions as the categorical versus non-categorical issue. The record of special education is not such as to afford the luxury of emotional argument.

There is some hope that, by evaluating and analyzing against standards of performance what it is that special education is doing, educators will be able to make progress on the complex problems that have existed for years.

Too long it has been assumed that the administrative task is completed when a handicapped child is placed somewhere. If our leadership goal is simply to get more pupils placed in boxes that carry the right kinds of labels, we have fallen far short of the task. If success is judged by the amount of money that comes into special education, the number of additional personnel employed in a given year, the number of additional children who get some kind of service, with no analysis of what the nature or the quality of that service might be, we fall far short of the task. It is worth speculating on the extent to which those have been the measures of the success of our programs for the handicapped. A serious effort to apply performance standards would demand more appropriate measures.

Were administrators to be judged on a performance-based system, a number of problems now present would be attacked quickly though not necessarily solved quickly. Some of the problems a performance-based system might attack follow:

Teachers who cannot teach would no longer be maintained in the system. The teacher with a problem, the teacher who seems unable to cope with or to master his tasks is frequently not given the attention, help, and corrective work he needs. One likely reason for this is that the administrator cannot administer. If the administrator in special education sees that kind of teacher functioning and allows such functioning to continue, there has to be either incompetence on the part of the administrator or a fantastic ability to view with rose-colored glasses that which most people would see negatively. Something has to be seriously wrong when everyone else can recognize that things are not going well and yet nothing is done about them. Were administrators really accountable for their responsibilities such circumstances would occur with far less frequency than is now the case. The constant flurry of surface changes made in programs would probably not occur because whatever was done would have to make a measurable difference or, in time, the administrator would be finding himself in some other role.

There is stagnation or a certain lack of enthusiasm for fundamental analysis on which to make planned changes in the special education system. Administrators frequently tinker but rarely make fundamental changes. It is appropriate and proper to maintain the tried and true unless there are good reasons to change, but it is not appropriate or proper to neglect the careful analysis and planning out of which ought to come decisions as to whether fundamental change is needed. At the grossest level of diagnosis, the things that have been suggested here as part of the contemporary scene would argue that fundamental change is necessary; analysis and planning would show how to proceed and what kinds of changes would make the most sense.

Performance standards would also lead to the view that programs which do not make a difference would not remain. As an example, self-contained special classes might become just one of a number of alternatives for serving pupils under a performance-based leadership system.

Children shifted into holding patterns (school placements in which they simply pass the time until old enough to leave) and children who are excluded from school would no longer be dealt with in those ways. A deadly trick is now played on many children in which the child is claimed to be at fault whenever he does not succeed in school. If the only pupils taught are the easy ones, those who learn rapidly and gladly, and administrators exclude or place in a second system or otherwise remove those children who present challenges, while in the process blaming the children for the problem, a performance-based system would soon redress the balance. The bureaucratic response that the child does not have the ability or will not behave or somehow does not fit the plan, so that the child not only gets short shrift but carries the load of guilt that goes with it, would change quite markedly under a performance-based system.

Budgetary control, which now is far removed from operations, would become much closer to the action. If one is really going to hold an administrator responsible for certain things, then he must have his budget and be able to deal with it as he wants to and needs to in order to attain the objectives established. Personnel selection also would no longer be made from central offices but would be placed close to the point at which daily operations are accomplished.

Finally, a system of service delivery that is content with reaching perhaps 50 percent of the handicapped children who need special assistance, which provides grossly inadequate services to those children whom it does reach and is not terribly concerned about either fact, needs to be drastically altered. Unless the current system is changed, we are one hundred years or more away from success even by the criterion of providing some kind of coverage for all handicapped children. Under a performance-based system it is likely that more rapid improvement would occur because both the situation and the responsibility for improving it would be clearer.

In more positive terms, performance standards would help leadership in special education to stop being satisfied with the form and begin to be serious about the substance of education for handicapped children. In such an event it is likely that several additional things could happen. The happy, generous, ego-fulfilling belief that administrators can be both educational leaders and managers would go out the window. If administrators were in fact educational leaders and managers, the sorry litany of problems mentioned above would at least be more brief. Under a performance-based system the administrator will be a manager. He will be held accountable; and his life will be a great deal easier, more productive, and less ulcer-producing. If a manager, then why not select those managers from a broad pool – from people prepared as managers rather than from the very narrow pool of special education teachers? How preparation as a teacher makes one a uniquely qualified candidate for an administrative-managerial role has been a well-kept secret for some years.

Functional analysis of the managerial role would lead to substantial changes in programs of preparation for administrators and managers. Such functional analysis need not await the millennium but could be done tomorrow. And if it were done, training programs would be substantially different than they now are. Knowledge about administration, which is now the primary element reflected in college course credits, would be widely supplemented by skills and attitudes that are also critical in the performance of an administrator.

Special education systems would be shaped to fit with the more open systems of education that are being developed in many schools. Thus, rather than a separate and second system of education, special educators would transact most of their activities in consonance with and in support of regular education. In total, a performance orientation could create the conditions for far more effective education of all handicapped children.

CRITICAL ISSUES IN SPECIAL EDUCATION LEADERSHIP

Maynard C. Reynolds, Chairman
Department of Special Education,
College of Education,
University of Minnesota

My remarks will be organized around three topics:

1) **Context of Change.** Is this a time for rapid change? What general perceptions might yield insights for us concerning opportunities for change at this time?

2) **Structuring the Field.** My concerns will center mainly on a cognitive structuring of our field with special reference to so-called non-categorical approaches.

3) **Operationalizing the Changes.** What steps can be taken to make changes fundamental rather than superficial?

This is a conference for leaders and administrators. The functions of leadership are to be perceptive of needs and possibilities for change, to organize a field so that the work to be done will be clear and then to implement the new structures and processes. Thus, although I do not propose to discuss the concept of leadership directly, I do intend to structure my remarks in accordance with an analysis of leadership functions.

Timeliness of Change

Al Smith was reputed to have said that, "If you want to lead a parade don't get more than two blocks ahead." Judging when one is just about two blocks ahead is important; once there, it is important to have a parade route in mind. My first topic is concerned with judging the timeliness of the parade.

Perhaps it is obvious that we are in a period of rapid change in all fields, but most assuredly in special education. A local humorist has said that today's mothers, who remember their first kiss, have daughters who cannot remember their first husbands. I liken my own situation to the trapeze performer who has left one swing and is twirling high in space waiting for the return swing; for me, the free twirling in space seems to go on and on but with little prospect for ever returning to a stable platform. Many of my associates in special education appear to be having similar experiences.

It does appear that the field of special education is involved in fundamental changes, with much of the focus on the topic we consider in this conference – decategorization. The context, the motivations and the specific facets of the changes are things we must try to perceive.

Professor Jerome Kagan has suggested that there is a special predisposition of "the Western mind," as he puts it, to construct "Discrete, abstract categories, each with its special set of defining characteristics." He contrasts this perspective with that of the classical Chinese: "Day and night, to the Western eye, are two discrete entities separated by a transitional stage; to the Chinese they are part of one process, each being a diminution of the other."

It is true, I think, that we seek this kind of discreteness in thinking even about our fellow human beings. In special education there has been a tendency to require that teams of professionals examine each exceptional child to decide whether he is to be categorized as mentally retarded, autistic, or some similar way. Why do we do this even in situations where there are only relativistic observations and no absolute markers of anything like a definitive category? What are the consequences of this tendency to categorize? Doubts have crept into our views of these affairs, and we are here to consider what we might do to change the tendency.

There is a rising revulsion against simplistic categorizations. Categories may make sense in the abstract, as when we average rainfall over many Octobers for Minneapolis, and as ways of aggregating information for broad planning purposes, as when engineers define freeways and calculate their effects upon the transportation system of a community. But just as people are saying, "Freeways aren't just freeways when they affect my neighborhood," they are also saying that the categories ought to be left behind when dealing with "my" child. David Riseman, commenting on Michael Young's *Rise of Metritocracy,* speaks eloquently of this "resistance of parents to having their children fall like brass in Plato's social system."

There is especially resentful opposition to categorization schemes which imply that some children are more valuable or more meritorious than others. To put it in the negative, there is objection to use of gradation schemes which degrade or stigmatize some children. Special education has been rebuked sharply for assigning more of its stigmatic language – **retarded, impaired, disabled,**

disturbed — to minority group children than to others. It is fair to ask, I think, whether it is really necessary to use such negatively toned language in a school which supposedly is dedicated to the development of **all** children. If attention is given to variables which help each individual rise up to the best of whatever he has in him and if we can learn to appreciate human abilities and performance on many variables — kindness and courage, as well as intelligence — who indeed is defective? Should we not seek to define all our programs and all of our children in positive terms? Can we not promote special programs without implying defectiveness in the case of those who develop best in such situations?

You know, of course, that more than stigmatic labeling is involved in the processes by which decisions are made concerning children. Unfortunately, special education is sometimes part of that downward cascade through which children fall by rejection decisions rather than by careful consideration of what is best for them. It is unfair to characterize all of special education as an exclusion system — for I believe it is true that special educators have as much as any other group and more than most to reverse the tendency to separate and deny opportunities to those who are different. I shall have more to say of this later.

Challenge and change are upon us in special education, and they are deeply systematic. The turbulence of recent days and of those ahead will be too great for absorption in our present systems of special education, and new approaches must be structured. I believe we can help lead the way to better opportunities for children if we are sensitive, sensible and forceful.

A Cognitive Map for the Journey: Structuring the Field

Schools are for all children. That philosophic premise, basic to democratic society, needs no restatement here. But it is appropriate to remind ourselves that philosophic premises can literally be lip service. Principles do not always get implemented.

In our field in the past two decades a great deal of legislation has been passed, piling redundancy on redundancy — saying, in effect, "include the handicapped," "include the disadvantaged," "include minority group children," and "include them equally" in the schools. And progress has been made, at least in the sense of moving toward the target of 100 percent enrollment of children in schools.

Still another form of action has come through the courts. Most recently, a special federal panel of judges in Pennsylvania appears to have taken us very near to the end of the line on exclusionary tendencies. The proverbial right, the philosophic premise affording equal educational opportunities to all is clearly a legal right – and you and I, as workers in education, are responsible to see that the right is observed. The courts have made it abundantly clear that school officials who fail to seek out the most remote child or who exclude any child will be called to account – with their behavior in doubt. Characteristics of the child are no longer relevant to the basic enrollment question.

But it is not enough simply to have all children in school. Even in the recent Pennsylvania case, the court looked within the schools and said that some kinds of programs are to be preferred over others. There can be exclusionary processes even within the school; and, the business of categorizing is related to such exclusionary processes.

We have a monumental paradox in our society. We are terribly individualistic – in the sense that we dedicate ourselves to fostering the development of each individual. As noted above, the courts are now insisting that **every** child be admitted and none demitted from school services which are dedicated to his individual development.

But, our society also encourages formation of free institutions; and, included in citizen rights are those of making selection/rejection decisions. "Free" institutions are permitted to grade people according to their ability to contribute to the achievement of institutional goals – which result in terribly cruel rejection-oriented decisions. At this moment it happens that about six percent of the total work force of this country is totally rejected from every potential employer, and rejection letters from medical schools will soon be in the mails to many hopeful medical students.

Most institutions are free to reject individuals; but the schools supposedly have no such right and provide a refuge from the harsh selection/rejection decisions made by most other institutions. However, the schools perform imperfectly; and, indeed, they are expected by many to act as a kind of screening station for other institutions. Even within the schools the orientation is very much fashioned after meritocratic or industrial models. The pupil gets into the madrigal club, not on the basis that it would enhance his development, but because he's already a very good singer and will help to realize a kind of institutional goal – having a top-notch madrigal group. Too often, in other words, we act like an "industry" or some other kind of institution and fail to keep individual development in the forefront in the schools.

It seems at least unfortunate phraseology when Toffler, in his classic book *Future Shock*, while criticizing schools for following an industrial model, urges that what is needed is a super-industrial model. It is undoubtedly true that schools must prepare students for rapid change, and that is one of Toffler's themes. You recall George Bernard Shaw's response to a friend who declared himself finally ready to accept the universe. Shaw's reply: "By God, you'd better." I suppose that "By God, we'd better accept rapid change;" but let's insist on priority attention to human needs and aspirations and then try to bend the changes to those human values rather than to accept it the other way around. Let us keep the independent and dependent variables straight; that is, vary the institution to meet man's need – rather than see man's characteristics as a collection of beta weights manipulated simply to provide concordance with some "inevitable" future state of the world.

Those of us in school work pay homage to the ideal that individuals are not gradable with respect to their possession of basic human rights – including a right to suitable education; but in fact we do a lot of grading and categorizing which reflects a kind of industrial model, rather than being clearly oriented to individual development or payoff. This is part of what many young people are saying to us: that they are forced too much to accommodate to institutional convenience, comfort, and payoff and that they feel poorly understood and even alienated as individuals. And students in special education programs who sometimes get to their special stations as a function of exclusion rather than on the basis of plans drawn for their welfare are victims of a badly managed, meritocratic, industrially-styled system.

How do we get out of this paradox of individual vs. institutional orientation? By the very difficult route, I think, of trying to do a more perfect job of guaranteeing every child a suitable program in his early years. We have simply got to install alternative programs in the schools, or create program options and then see that all children have the best possible program available to them.

Special education is at a choice point; it can define its role in one direction or another. That is, it can participate in the gradation and categorization of children on institutionally-oriented variables – and take its lumps for being party to a rejection cascade for children; or it can lead the way to creation of developmentally-oriented programs which make the schools as a whole into flexible resources for individual children. Right now special education is not all of a piece: it is not one parade; it is something of three parades.

Perhaps it is obvious that I think leaders in special education ought to lead the parade toward a broadly differentiated school system in which decision processes are totally oriented to the enhancement of individual development. We ought to oppose industrial or meritocratic orientation in child study. That will come soon enough as children move into adolescence and adulthood and define their roles in the institutions of society. There is work to be done there, too, on behalf of the exceptional person; but our first goal ought to be to build a child-oriented school system for the tender years.

A related concern, as we seek a cognitive map for our changing scene, falls into the domain of **the ways we observe children**; in particular, I am concerned about "testing", which is one of the ways we make observations of children. I believe a critical aspect of our orientation difficulties in schools arises from our testing-observing procedures. We have been greatly oriented to procedures which yield a kind of simple prediction, but are not helpful in arranging the child's learning situation.

One of the major insights of my adult life has been to see the important difference between variables which are directly descriptive of a person and those which have meaning only in terms of **persons in their environment.** It is reasonable to say someone has black hair or that he has Down's Syndrome. But in **education** where our purpose is to enhance the development of human beings by arranging environments for them, attention must go to variables which are more complex than the simple descriptive ones and we must work with those that say something about **people in interaction with their environments.**

In think it is not possible to say anything meaningful about a person's educability or potential or capacity without saying something about his environment. People develop differently according to their life situations. If you have alternative educational procedures and programs in your community, children must be studied in relation to each of them — and no general statement about their educability is adequate. Human potential is both an individual and social characteristic. I think it is not very useful to talk about **aptitudes**; it is meaningful to talk about aptitude-treatment interactions.

In this context there is some tendency to choose sides; some saying that when a child's education is not proceeding well, it is due to the **failure** of the school to provide an appropriate environment. Others, including some special educators, tend to put defect labels on the children and to excuse the situation that way.

It seems clear to me that what we must do is always to look at both pupils and environments – so that pupils and environments can be matched optimally. The problems of learning are not solved either by looking at children as defective or at teachers as failures; both must be studied in specific terms.

You may recognize that I am making a case for ATI or an aptitude-treatment-interaction approach, which says that we should look at children in terms of variables that help us make decisions about their education – some of us call them "decision variables." The approach also calls for specificity about the educational procedures available.

What does this ATI orientation mean in the practical situation? Let me discuss it in several ways varying from a simple school scene up to a sophisticated research situation.

Imagine that a child is having difficulties in school; a psychologist is called in to work with the special educators. If they are oriented to ATI they would study the school with all the alternatives and flexibility it presents. They would consider the characteristics of the various curricula, teachers, and administrative arrangements. They would, of course, also study the child, considering his particular needs as best they are able to know them. Then they would move to decisions about programming for the child. No decision about categorizing the child as "mentally retarded" or "emotionally disturbed" would be made.

At the research level, ATI methodology involves the search for variables which produce interactions with treatments. If one has two or more systems or treatments among which a choice can be made in placing pupils, ATI methodology says that the variables of interest will be those that correlate substantially with progress in one approach but not in the other approaches.

Unfortunately, there isn't as much research evidence as many of us would like regarding ATI methodology. The approach is both a matter of philosophy and of technology. Those of us who orient favorably to ATI sometimes think about the lack of research in the way one thinks about what one does until the doctor shows up. Dr. Leonard Duhl once wrote an article entitled, "Planning and predicting: Or what to do when you don't know the names of the variables." What he suggests is that while "waiting for the doctor" we invest ourselves strongly and directly in the situation.

We can and must study children and their situations intensively, adjusting programs as necessary. Fortunately, there is a developing technology — illustrated by Ogden Lindsley's charting procedures — which yields rather precise signals about how children are progressing in given environments.

Longer range, we can hope that research will give us insights about variables to look at if we wish to make a difference in the lives of children. Clearly the variables will be different from those which yield simple descriptions and predictions and which seem to have us so preoccupied up to this time.

As we move to new concepts and procedures, there is a critical question about how to deal with such realities as legislation and legislators, school board procedures and members, parent groups, and court decisions which deal with the old categories — such as mentally retarded and emotionally disturbed.

I think it is our responsibility to aggregate data on problems of mental retardation, blindness, etc. We should organize to produce the social indicators concerning such problems — just as we do concerning poverty, crime, literacy or anything else. It is legitimate, for example, to address ourselves to problems of attenuated cognitive development (or mental retardation, if you will) and to make records of problems and progress in this domain. But we should not require that individuals be identified and labeled as retarded and be referred to classes conducted by "teachers of the retarded" as the modal approach to the problem. A full understanding of the challenges of cognitive development will surely yield a complex pattern of programs. Somehow we must devise methods for communicating to legislators, parents, and others the diverse ways by which problems of exceptional people can be addressed. And they must be given indicators of progress that do more than count teachers and children. All of that can be done. Indeed, I believe those who have a concern for exceptional pupils will welcome a change in the messages they have been receiving about special education.

In these few remarks about a cognitive map for moving to decategorized models of special education I have suggested that elements of concern will include: (1) remaking the schools according to a zero-reject model; (2) remaking decision processes in the schools so that the "payoff" to which they are oriented is totally individualistic rather than institutional in orientation; and (3) developing an aptitude-treatment-interaction model in study of children and alternative school environments.

Operationalizing and Sustaining Decategorized Programs

There is neither time nor any necessity for me to go into my third general topic in great detail, but I should like to comment briefly on a few items which occur to me as important.

First, I think that we have been vastly overconcerned in special education with administrative arrangements. I am convinced that most programs needed by exceptional children can be delivered by many different administrative arrangements. The more compelling problems, I think, are to be increasingly clear and more creative about curriculum. To put this another way, we can surely have sterile programs in either special classes or regular classes; the problem is to arrange a really useful set of experiences for each child.

Second, I believe that children should be placed in "regular" education – however that is defined locally – whenever possible while having the "specialized programs" which may be needed delivered to that regular program. However, we should be fully open to other administrative arrangements, such as part-time or full-time assignments to special classes or resource rooms when there is genuine need of such placements in order to provide the needed curriculum.

Third, I think we must be realistic about the potentialities of the more than two million teachers in the public school classrooms of the nation. Most of them are not geniuses, nor paragons of other virtues; their ability to accommodate to wide differences in pupil characteristics and to the vast domains of possible curriculums is limited. We must find ways of pooling varieties of talents to meet difficult educational challenges. Incidentally, I believe we should challenge the notion that achieving homogeniety in pupil characteristics by grouping them into narrow categories and then assigning them to specialists in that "category," is a productive strategy. Indeed, two of my recent Ph.D. candidates (Cecil Austin and Judy Brown) have shown that teacher specialization in content fields, even at the elementary school, may be a more viable approach than specialization by some form of narrow-stream child category. I believe that the movement toward more explicit specification of teacher competencies, in training programs and in credentialing – which seem to be adjunctive aspects of the trend toward decategorization by pupil descriptive characteristics, will lead us to more focus on curriculum specializations and more open teaming arrangements among teachers as a way of dealing with individual differences.

Finally, let me simply list some topics of concern and admonitions to be considered as we move toward decategorized systems of special education.

. . . the change will be expensive, in the sense that it will demand much careful, patient reworking of programs.

. . . changes probably should be made gradually and with careful evaluation. The so-called "reform mongers" who would stop all we have and substitute something total but untried, will but lead us to "overswings" to be corrected in another decade. Hopefully, while making determined efforts for change, we can evaluate each step of the way, always being ready to modify or subvert even the newest mode of operations as evidence points the way.

. . . we will need new language and new units of measurement to communicate about new programs, and this may be our most difficult task. Simple counting of children and teachers by categories will not suffice; speaking of "programs" and "competencies" will seem less persuasive, at least for a time.

. . . I hope we will not neglect the nurturance of the special groups – such as parents of handicapped children – whose goading force has made possible many advances. Their continuing leadership will be needed; and I think they will respect a professional turn to less categorical programming.

. . . we must expect that changes will be more difficult for some people and some communities than for others. Quiet, informal, group-oriented, non-personal opportunities for exploring the new ideas and programs will be important to many leaders who find themselves now anchored in situations which make change difficult.

. . . hopefully we can avoid accusatory and "blaming" strategies for change, which unfortunately are already too much on the scene when decategorization is discussed.

. . . financial aid systems and other forms of reward and reimbursement must be changed so that they do not reinforce dysfunctional categorical systems. In the main, I believe this will involve shifting specialized reimbursements to "programs" and away from simple child categories.

Closing Remarks

In preparing these remarks I have thought often of the recurrent debates about the proper focus of **history**. Is history a story of leaders, or are leaders only the "markers along the way?" William James was a hero-worshiper, a great beliver in great men; he believed that society made three-fold progress when blessed with strong leadership. Herbert Spencer, to the contrary, saw the leader as only the slightly "larger piece of coal upon the hearth, adding but little to the heat of the room."

We do not have to choose one extreme position or another. It may be, as I tried to indicate at the outset, that a man can lead a parade only about "two blocks ahead." But surely it is possible to lead – if only at short range from the center of the **Zeitgeist.**

To lead, it is necessary to perceive – and hopefully not to misperceive – forces and opportunities for constructive change. And the leader must have a map and chart a course. I truly believe that special education is at a cross-road at this moment. There are opportunities for leadership, but the new route will be costly and difficult. There is also a possibility that the field of special education – as we know it – will simply be bypassed. There are signs now that such a bypass may be occurring in some of our large school systems.

When I pass friends these days and they ask: "How are you?" I often reply by saying, "A little of both." The field of special education is a "little of both" these days – in the sense that, in some places, it represents a degrading, rejection-oriented approach to children. But in other places special education is leading the way toward more fully humanized education for every child.

"MAINSTREAMING" – A CHALLENGE

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Special education's conscience is hurting! The great rush by special educators to provide services to handicapped children has produced some over-recruitment of students and some over-satisfaction with the self-contained classroom delivery system. Many leading special educators are calling for a return to the "mainstream of education." I fully concur in their basic position; however, I feel we must get off our soapboxes and seek our viable delivery systems that will give handicapped children the degree and kind of special educational attention they need in regular educational settings.

As a state school administrator, I'm aware of some impediments to implementation of the "mainstream" approach. This paper will attempt to identify a few of these stumbling blocks. Special education must find the ideas, tools, attitudes and financing to provide itself with up-to-date delivery systems that are primarily concerned with each child rather than with ease of administration.

During the past two or three decades special education has been sold to the general educator and the public as a haven for the lame, the halt, the weak. State legislatures have passed laws insuring special education for handicapped children and have provided huge amounts of money to operate expensive service programs. Local school boards have done likewise and have taken great pride in these services – as a symbol of their concern for "every child in the school system." Usually such state and local pride was manifested in self-contained special classes or separate schools for the orthopedically handicapped, deaf, blind, or mentally retarded. Programs with a heavy non-self-contained classroom flavor, such as speech correction services, have been less monumental. As we develop new models to serve the handicapped, we are obliged to re-educate our legislatures and lay boards on the advantages of the new, less **obvious** forms of special education.

A key problem in this area is state fiscal support systems for special education. Most states today provide from 20 to 95 percent of the cost of instruction for handicapped children in the public schools. In Wisconsin, the legislature provides 70 percent of the cost of teachers' salaries, transportation, special equipment, and special instructional materials. Most of our "selling of the legislature" has been around the special unit concept. We have usually avoided a per capita funding approach because this tends to make "head hunters" out of general administrators. We have tried to stress the nature of a complete program for a special group rather than fractionalized services that might not meet the specialized needs of the children, but in so doing we have perpetuated the image of special education as special classes or special schools. I am convinced that we can adjust our state aids systems to accommodate new delivery systems once these delivery systems are created and field tested. We must be willing to adapt, create, and modify our special education delivery systems. We must also be very sure that monies secured for special education of handicapped children are used in that program — no matter what organizational arrangement is employed — and are not "bootlegged" into other school activities. To make a more flexible state support system for special education work, we'll need to give the state school agency the personnel to monitor and protect these new specially designed programs for handicapped children.

A similar situation is to be found in state certification of teachers of handicapped children. It is obvious to me that professional training of special educators will become more broadly based than it has been in the past. It is also obvious to me that teacher training programs are going to become competency-oriented rather than course exposure oriented. While it is easier for a state school agency to certify teachers by adding up the credits and courses a prospective teacher has taken, it doesn't necessarily insure development of the competencies these future teachers will need. I'm again hopeful that state special education and certification personnel can work with responsible college faculties to develop realistic, guaranteed, competency-based certification standards for "new" special educators who will work in the multi-faceted special education programs of the next few years.

"Mainstreaming" represents the desire of many leaders in special education for the primary placement of handicapped children in regular classrooms whenever possible. This desire flies in the face of the desire of many regular classroom teachers to remove from their classrooms any "disturbing or disrupting child." The most recent teacher contracts in many places are explicit on this matter. In the Proceedings of the Missouri Conference on the Categorical/Non-Categorical Issues in Special Education, I pointed out the "new force" of the teachers' collective bargaining unit. We must remember that the typical fifth-grade teacher has rarely seen a 60 I.Q. youngster and has no burning passion to "save" one by taking him into her classroom. Intensive efforts at the preservice and inservice phases of teacher education must be made to needle the consciences of these professionals, who will be asked to teach a group of youngsters with impediments to learning like these teachers have never seen before. Adjustments in the teacher/pupil ratio in regular classes which include handicapped children must be made if regular classroom teachers are going to accept the new delivery system. These same general education teachers must be assured that a handicapped child will get special education services in the areas in which he needs them, and that they will be asked to provide the main service to any exceptional child at no **unreasonable** expense to the total population in the classroom. This whole matter will be part of the conditions of employment discussions that you and other management people are or will be having with organized teachers. The typical regular classroom teacher is extremely suspicious of our intentions and thinks we are trying to "stick" her with "our" problems.

Another concern is the current lack of preparation to ready the average building principal for the new special education delivery system. In 1970, Lyndal Bullock pointed out that no state, Puerto Rico, or the District of Columbia requires as much as a single course in special education for certification of elementary school principals. Bullock's study of 92 elementary principals also showed that 65 percent had elected no course work in special education. The principals in his sample had earned a total of 114 semester hours of course credit in special education, or slightly more than an average of one credit per principal. To assure proper understanding of the nature and needs of exceptional children, we must find ways of bringing these key administrators up to date in the area. Perhaps we may be obliged to hire these principals during the summer months to become acquainted with handicapped children and the new service delivery systems we are encouraging.

It seems clear to me that we must design plans with each child as the focus while realizing that many adults are also concerned and involved. The ideal systems change design will require the closest interrelationships between state and local general and special educators, college faculties training general and special educators, policy boards at the state and local levels, including quasi-policy groups such as legislators', parents' and teachers' power groups.

I would really like to see a concomitant commitment to all facets of this problem by a state school system, including certification and state aids for both special education and general instruction, the same state's teacher training entities, a selected number of local school systems, and the state parents' organizations and organized teaching profession. Some of the model operating arrangements, such as Deno's "Cascade System of Special Education Services" (1971), Maryland State Department of Education's "A Design for a Continuum of Special Education Services," and "The Madison Public Schools' Plan for Exceptional Children in the Santa Monica School System" show realistic ways for us to consider. Each of these – and others, has its strengths and its voids; but each is understandable, saleable and plausible.

Essentially what I said is that special education will have to lose its clock of exclusiveness and become reacquainted with our "regular" brethern in general education. We must be willing to trade in our separateness and relative freedom for the complexities of rejoining the "mainstream of education" with the handicapped children we have chosen to serve.

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part II
strategies for change

CHANGE SYSTEMS IN LARGE CITY EDUCATION*

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The thrust of my remarks in this paper will be change oriented. They will relate essentially to general education, not special education, and to ghetto schools more than other schools. Although I am familiar generally with the change literature, I will refer less to the jargon of that literature and more to the practical problems of achieving change as well as to some policy alternatives which may assist in achieving improved education, especially for ghetto children, but maybe for children everywhere.

What I have to say is really rather simple and pragmatic; it derives from the conviction that the secrets to modest improvement of urban education, including ghettos, are at our fingertips. The secrets reside in the people who have constituent interests in urban schools – kids, the teachers, the administrators, the parents, and the supporting staff. More money would help, but it is not available. Better ideas would help, but we are not using all those we have. More adequately prepared professionals would step up our progress, but we cannot wait until they appear. What can be done then, until reforms arrive, for this generation of urban children, especially ghetto children?

There are several assumptions which provide the basis for my argument:

First, urban education is a global term encompassing institutions with substantial variations in need and performance;

Second, ghettos in some form will remain, and educators should make a special effort to learn what is known about them;

**EDITOR'S NOTE:* *This paper, given at the 1971 conference, did not deal specifically with application of change systems to special education, but rather with change designed to strengthen coping power of ghetto schools. As (1) strengthening of mainstream coping power is of critical importance to special educators, and (2) several of the main ideas presented are applicable to managing change in special education, this paper is included.*

Third, urban education services will continue to be provided within a moderately reformed establishment;

Fourth, unequal investment of urban financial resources will be required to improve ghetto education;

Fifth, energy invested in dialogue over separatism vs. integration is diversionary and wasteful;

Sixth, the dominant purpose of ghetto schooling ought to be the instrumental value of entering the mainstream of American life;

And finally, both schools and neighborhoods today must be foci of educational improvement. Closer linkage of schools and homes is a necessary condition for achieving better education, strengthening family life, and eventually producing better neighborhoods and better communities. In a longer paper each of those assumptions could be discussed in some detail, but this paper will focus just upon the last point.

Many large scale or important reforms in housing, jobs, and health and safety will be achieved in the future; but several million urban children are here today and more are on the way. Educators cannot live through a generation of do-nothingness awaiting educational decisions while obviously important social and economic changes in institutions outside of the schools are impacting negatively upon the schools. This is not the time for anyone to cop out. This is the time for aggressive steps – school by school – to achieve improvements. One of these improvements is the need for a fresh resolve, a clear positioning of the responsibility for educational improvements at the grass roots upon our present teachers and administrators in the elementary and secondary schools, upon institutions of higher education who relate to them, upon parents, and upon students and other interested constituents. Individual schools are where the problems are, and that is where they must be solved. Outsiders can help and resources can be obtained, but the primary burden of improving is at the school and in the neighborhood. There is general agreement among middleclass persons that negative features of ghetto neighborhoods and family life produce obstacles to learning; this is true especially of their expectations for learning and behavior. William Moore (1969), an interesting newcomer to our faculty at Ohio State, has written a book called *The Vertical Ghetto* which documents the contrast between the expectations of homes for the schools and schools for the home. He writes,

> In affluent communities the home and the school are effective partners and exercise a dual effort to fulfill their mutual objective. On the other hand, in the black ghetto, or more specifically in the housing projects, each of these two institutions makes assumptions about the other that are unwarranted and unrealistic. Each has a lack of understanding about the function, ability, limitations, and needs of the other. Both fail to communicate the continuity of reciprocal responsibilities in providing for the educational needs of the child (p. 177).

The home and the school in the ghetto, rather than being complementary, are in many cases adversaries. Consequently, neither does an adequate job, and the child is the one who suffers. Assumptions made about the home by the school that seem reasonable for the middle class child – white or black – are totally untenable for culturally disadvantaged children. One place to begin, then, is to improve the interface between home and school.

I'd like to talk about several proposals for change which have been generated out of my experience in working with large city school systems over a period of years. I say again that we dare not sit around prayerfully with our hands folded, looking skyward waiting for reform. We really need to get on with improvements **now** – school by school, neighborhood by neighborhood, ghetto by ghetto, across the land. In this context a new concept has been given voice – the concept of **responsible autonomy.** It is simultaneously a philosophical position and a course of action. It is a belief and a prescription, and I suggest that we move toward achieving it.

In the autumn of 1970 a group of educators linked with school people in Detroit to produce a report called *Priorities for the 1970's* (1971), a document which has within it the concept of responsible autonomy. In looking at Detroit's elementary education problems those individuals discovered the usual deficiencies: underachievement, alienation, racism, home-school tension, under financing, and curricular weakness. However, they also identified remarkable resources within the system itself to be applied to these problems. The release and application of their resources to Detroit's problems have become a common objective, to be achieved essentially through the location and acceptance of problem solving responsibility at the building level. Let me quote a few paragraphs from this report to the Detroit Board of Education:

> The word "autonomy" signified freedom and independence throughout the school system. It means the right to make independent judgments about problems and a willingness to take the consequences for one's actions in solving the problems. Autonomy applies both to individuals and sub-units within the school: to parents, students, to teachers, administrators, to staff specialists as well as to the classes, the building, board of education and the like. Responsible autonomy means achieving a balance between accountability and freedom in all parts of the educational system. Both are essential in public education, for without accountability a system may become self-serving, and without freedom people lack a sense of personal responsibility, self-worth, and involvement. The positive elements of accountability and freedom can be defined.
>
> This arrangement of responsibility confounds many traditional patterns of thinking about large cities' school systems. We have conditioned ourselves to think about uniformity, about interchangeability, about city wide policy, about reporting performance on a centralized basis – now it may be necessary to abandon many of those notions. The remodeled system will contain distinct and diverse schools just as a mosaic contains many separate pieces (pp. 6-7).

My first suggestion then is that ghetto schools assume a posture of responsible autonomy.

A second suggestion is building a **problem-solving ethos.** Responsible autonomy allows local neighborhoods and their schools freedom to solve their problems and also places with them the obligation to do so. Currently, many of us in colleges and universities, as well as local school people, principals, teachers, parents, and central office officials, search for somebody else to blame for educational shortcomings. We have so accepted this fingerpointing way of life that we have essentially reduced our capacity to solve even modest problems. There will be only limited achievement of even conventional objectives if conventional routine, practices, and ideologies of governing neighborhood schools are perpetuated under the banner of responsible autonomy. Buildings that are acting within the parameters of responsible autonomy must mature and refine a problem-solving ethos. Obviously faculties and their community constituencies vary enormously in their capacity to accept and fulfill problem solving responsibilities. Some faculties have readily assumed the responsibility for solving their own problems, given the opportunity for their own responsibilities and their freedom to act autonomously, but most have not.

The development of problem-solving capacities must become an objective. It makes little sense to invest time and energy in the pursuit of educational ends if the capacity to achieve them is nonexistent or underdeveloped. Teachers, administrators, students, parents — all of the relevant constituencies should examine themselves in relation to the problems they encounter. When the problems are defined and the appropriate skills required for their solutions become apparent, then the question becomes whether the school's human community has the skills, talents, and energy to do the job. If the answer is "no," then they must acquire them elsewhere; if the answer is "yes," then they should get on with the job.

We have much theoretical work which has helped us to understand stages or steps in problem solving. Nevertheless, we find it difficult for institutions to be successful in that pursuit. There is a substantial inclination to accent today's educational problems as insoluble. Teachers, administrators, counselors often become victims of despondency — they thrash about searching for solutions, they crash forcefully upon the unyielding nature of their problems, then give up. Faculties obviously require leadership — and followership and commitment and human understanding; they require knowledge and theory, and they need to believe that problems are solvable, and that local school leaders are capable of seeing that it happens. When confidence is there, then the skills can be found.

My third suggestion is to develop skills at **reviewing goals and objectives at the neighborhood level**. Goal setting is one of the most difficult problems for society today as well as for school districts, school neighborhoods, or for colleges and universities. What should be our primary educational objectives at this point in the century? Are traditional objectives still important? Are there reasons to defend different educational purposes for unique cultures or sub-cultures? If we accept variation in education goals from building to building, should there still be some common expectations, and if so, what?

Research on the tasks of public education (Downey, 1960) completed at the University of Chicago a decade ago indicated that there was common agreement about education tasks among many public schools. There were slight differences among people from various regions of the United States as well as among social classes, ethnic groups, and religious groups; but the differences were slight. There was even more agreement than difference in the views of teachers and parents. We do not have fresh data on today's perspectives about specific educational goals, and will therefore surmise that there remains considerable devotion to the common tasks and to the traditional objectives. However, there appears to be a wave of new interest in humanizing schools, reducing the disadvantage inherent in failure, considering each child as an individual, and in highlighting the capacity of the schools to deal with feeling and affect. These seem to be best represented by youth, by the rhetoric of advocates of open classrooms, and by the broad spectrum of writing on problems of alienation, individual growth, and humanizing experiences within educational institutions.

In keeping with the concept of responsible autonomy, each school neighborhood would organize itself to identify its goals and objectives. Extensive involvement would be required. Strong leadership is to be expected of the principal. Faculty members and other professional staff would take the lead in discussing how a neighborhood's educational goal review could best be achieved. PTA and room mother organizations should participate forcefully. Obviously, students would be involved as would other constituent groups with an interest in the neighborhood and the schools. At least a semester should be devoted to a series of meetings on goals for our schools. The matter is important enough to warrant closing school if other time is not available. Initial discourse would be on goals such as those we have known and valued in the past. Conversations could then be expanded to include goals that are important to our times and eventually for the future. The review of goals should be done with sufficient vigor that the goal statements produced will serve as a guiding document for the neighborhood.

The goals for one school may not be the same as for other schools down the street or across town. Such differences are really not very important; chances are that learning to read, write, and compute will surface as important objectives of schools everywhere. But they may not; and if they do not, then the schools, the community, and the students, should live with their new choices.

A fourth suggestion incorporates concepts of **time, attendance,** and **scheduling**. Schools must re-examine the straitjacket of traditional policy. The daily schedule, the annual calendar, the duration of schooling are carryovers from the past; they have become sacrosanct and adjustments are in order. The annual calendar was established initially to accommodate rural labor requirements but has been reinforced by formulas for distributing state aid, summer school patterns of continuing professional education for teachers and other professionals, the belief that learners and teachers need lengthy rests from their labors, and the contention that the school plant should be closed down for maintenance and repairs. All of these arguments are to some extent outdated. Dates and formulas can be revised, professional growth and development can go on all of the time, the fatigue assumption doesn't really hold, and the facilities maintenance requirements can be met as private enterprise meets them, which is at night and over weekends.

A responsibly autonomous school should be free to establish its own calendar without jeopardizing its state aid or other forms of support. The principal, his faculty, his student body, and community should be free to remain open or to close down at will. Similar logic should apply to the length of the school day; if the job to be done can be completed by a four hour program of studies, then that will suffice. Or, if on the other hand it takes twelve or fifteen hours of daily scheduling, then that must be done. Likewise, if the needs of the students can be met on a three- or four-day per week attendance plan, then such a pattern should be adopted. The job to be done should determine the amount of time to be invested rather than the reverse.

The duration of formal, publicly supported, school experience is now twelve or thirteen years. This time span is related to compulsary attendance laws which in most states require students to remain in school until sixteen years of age. The concept of compulsory education is under fresh review, but it will probably continue in one form or another. Apart from this debate, there is also the need to consider continuing education opportunities for everyone in society.

A proposal for delayed educational entitlement made to the governor of Ohio in early 1971 called for two interrelated policy changes — the first, for allowed interruptions in the normal kindergarten to twelfth grade sequencing, linked with reducing a compulsory span to K - 11 or possibly K - 10 (Cunningham, 1971). If the plan were implemented, the student could choose to stay out of school for a period of time for community work or experience outside of the school setting. A second policy recommendation was for a one-year, publicly supported, educational experience for every one in the society after age 30. The resources saved by shortening the conventional attendance span would be redirected into dollars to underwrite delayed entitlement. A person wishing to take advantage of delayed entitlement would have extensive freedom in choosing ways to use his privilege. He might wish to return formally to school at an appropriate level. He might want to design a program of independent study using libraries or television instruction or part time on-campus work or even travel, or he might select vocational training or re-training. Many options would be approved for public funding. It would be a kind of G.I. bill for all people over 30 – a type of general public voucher opportunity. Local school officials would help citizens plan their year of entitlement, approve individuals' education programs and provide some of the services.

These policy modifications – the reduced duration of initial attendance and delayed entitlement – would provide opportunities not now available to adults. Dropouts could return with dignity. Mid-career occupational changes could occur more rationally, making such shifts relatively easier. Housewives could do something other than the routines which, from their perspectives, sometimes are unproductive. Unemployed and other people on welfare could learn. The lower schools would be depressurized. A responsibly autonomous school would be free to adjust the length of its school week or year, and the length of attendance would be modified to allow the extended interruptions of formal school experience. And delayed entitlement could allow a large scale return of adults to formal learning.

A fifth suggestion, **expanding manpower through volunteers**, is a resource that professionals, for whatever reason, have only recently discovered. Paraprofessionals have not been incorporated as forcefully into the work force as many professionals would choose. Nevertheless, there is a volunteer reserve from the neighborhood to enlist at almost any conceivable level in the school enterprise. Responsibly autonomous faculties would be able to examine their own views about volunteers and look for ways to incorporate such talent and to overcome the usual hangups that we often have when we look at the volunteer work force.

It is significant that volunteers are used extensively in hospitals and other health serving agencies and insitiutions. One hospital with which I am familiar has over 500 volunteers contributing at least one day per week to hospital duties. A conservative estimate of the dollar value of the services of these volunteers, carefully coordinated and integrated into the total work force of the hospital, would approach $1.5 million per year. That amount exceeds the total budgets of many of our neighborhood schools. Volunteers can be used more frequently in schools in districts throughout the land, and the range of their responsibility is limited only by the imagination of the administrative heads of such institutions. Success seems to hinge upon a climate of receptiveness, careful coordination, an organized recruitment and selection effort, recognition of the value of their services, and attention to problems which volunteer participation in schools has generated.

My sixth recommendation is creating **school and home partnerships**. The literature on family-school relationships is overwhelmingly supportive of efforts to improve understanding between parents, families, pupils, and their schools. The importance of strength in these relationships seems so evident that it hardly requires further comment. But deterioration in the understanding between teacher and parent, pupil and parent, and, in the larger sense, families and schools, is sufficiently advanced to signal a national concern.

Generalizations obviously are dangerous; to say here that all respect for the school and the family is gone would be an exaggeration. Kleine, Nystrand and Bridges' 1969 data indicate rather high levels of satisfaction with schools in Columbus and Cincinnati, Ohio, among blacks as well as whites. To observe that all is well in these two school systems, however, is also inaccurate. There are obviously large variations in the extent to which schools find families satisfactory. It is more helpful to pinpoint where the problem seems acute: a breakdown in communication and/or understanding appears to be most prevalent in schools where large numbers of disadvantaged youngsters are enrolled. The large public housing projects which can be found in most very large cities serve as classic examples. Moore (1969), again in *The Vertical Ghetto*, describes forcefully the suspicion which project families have about teachers and schools. Similarly, he tells of uneasiness and the lack of insight teachers have about families and family life in public housing projects.

There are both theoretical and practical problems in the analysis of the family and schools. Families are primary groups; they reflect face-to-face contacts and have relatively persistent and consistent patterns of interaction and intimacy. New family-school linkages seem to be in order. The responsibly autonomous school would be expected to invent new vehicles for blending institutional roles and resources in a common assault on the learning problems of children.

Some teachers and some parents are disinterested in each other, and no amount of cajoling will modify their sentiments. Even granting good intentions, some teachers and some parents simply will never understand one another. The middle class teacher and the lower class family have little to share other than their hopes for a better life for children. They find it difficult to communicate with understanding about that common purpose. Each is often shocked by the perspective of the other. The life style common to lower class America is unacceptable to the middle class teacher. The lower class person searches for some of the features of middle class status but is poorly prepared to fit comfortably into that life style. Language separates, even everyday experiences are antagonistic. Reconciliation of major differences seems to be impossible, at least in the short run. On the other hand, there are large numbers of ghetto parents and teachers who do care, who insist that educational opportunities of ghetto youngsters be outstanding in quality. Furthermore, they are prepared to invest themselves forcefully in improving communication and understanding between schools and family in order to achieve quality educational experiences for ghetto children.

Just a few additional words about the teacher and the neighborhood. Teachers, in my judgment, simply have to work at finding ways to identify fundamentally with the neighborhood in which they teach. The evidence seems clear. It may indeed be important for professionals and other employees who work in ghetto schools to associate as closely as possible with that neighborhood and in some cases maybe even to live there. If the schools serve a high-rise public housing project, the teachers could at least live experimentally in that project. If neighborhood schools serve middle class sections of the community, teachers can and often do live there. If teachers serve silk-stocking sections of the city, they should live in those environments, too. Obviously this calls for frank examination of the capacity of the people to live in such places, especially the extremes of poverty and wealth.

The live-in proposal is advanced on educational grounds. There are strong arguments for putting policemen back on the beat, watching the streets, reacquainting themselves with the citizens they serve. Being visible day and night seems to re-establish public confidence. Teachers similarly need to be visible in the shops and market places of the neighborhood. They should be active in local associations. They should attend churches in the school neighborhood if their religious preferences are reflected in the churches there. They should assume leadership roles in other youth serving agencies in the neighborhood. They should have bank accounts in local banks and savings accounts in neighborhood savings and loan associations, and they should seek medical services nearby. They should invest themselves and their resources in their school neighborhoods.

The thrust of increased community participation/community control/decentralization is in the direction of neighborhood improvement and neighborhood growth. Teachers must understand and, indeed, must be dedicated to those ends. There really are few alternatives to direct participation in the life of the neighborhood.

Central to the concept of autonomy is the belief that school communities have substantial resources to use in solving their own problems. The problems are there; to some extent the resources are there; and the genius is the ability to release those resources and bring them to bear on the problems that citizens of the schools and community define as most significant for them. Responsibly autonomous schools have to develop the posture of reaching out for help and resources rather than sitting around and waiting for them to be imposed from the outside. The processes of building community and school strength are not very well known, and we need much more experience in linking schools to their local environments in order to produce new strength.

For ghetto schools, family bridges are crucial to the short-term success of education. Thus, three examples of designs for school and family bridging mechanisms may be worth noting:

One thing we might try is **family education**. Family education is in keeping with the concepts of flexible use of time, alterations in attendance patterns, and incorporation of the community more fundamentally into the life of the school. The school may wish to alter its programming to include families as learning units to be served by the school. Family planning, job seeking, child care, and family health are examples of content that all members of the family may learn simultaneously. The school could even be open three days a week for the more conventional programs of study; and the remaining three days, including Saturdays, could be set aside for families and clusters of families. Family instruction could go on in homes, in the school, or in neighborhood locations.

The PTA has been much abused in recent years. Where it hasn't functioned well, alternative participatory mechanisms have appeared; and some formal bridging structures as alternatives to the PTA have been developed. The PTA is a long-standing institution, and in my view it could be modified and revitalized to meet some emergent, more contemporary needs.

Another notion is the concept of **adoption**: In the past half-dozen years businesses and industries have "adopted" schools.

Although experience with this idea is not well reported or understood, the idea is at least conceptually attractive. It is even more appealing when one considers its reverse application; that is, a school adopting a home for the aged, a hospital, a nursing home, a day care center, or another agency where human needs are not now fully satisfied. If such a relation existed, for example, between a junior high school and a housing project populated by aged people, students could render basic services to housing project residents. Students could talk with them, entertain them, even escort them to school affairs. Both institutions would benefit; the relationship so generated would assist in establishing respect, love, assistance, and acceptance within and across generations.

Still another recommendation for improving ghetto education is to consider **problem solving as staff development**: The responsibly autonomous school must be in command of its own continuous professional development program for which it should have its own budget (it should have its own budget for all of its purposes). Staff development should be tied to local problems which are begging for solution and require strength for their solution. Staff development can and should occur on the scene within a problem-solving framework. Its success will depend upon reaching out for resources for general professional development through problem-solving activities and objectives. Obviously, problem solving can be an unusually effective form of in-service training. It strengthens the professional community in its search for education solutions. Perfecting ways to benefit from experience is a central part of such processes.

Tom McCollough (1971) is a former businessman who is soon to become an educational leader. He is a Fellow in the National Program of Educational Leadership, with headquarters at Ohio State. For ten weeks in early 1971 he worked in a ghetto classroom and summarized some of his reactions to that experience in a paper entitled "Urban Education – It's No Big Thing." He was very sympathetic with the problems he encountered in the school; and he was most respectful of the teachers, administrators, and other specialists who were meeting the problems every hour. One paragraph from his report is rather interesting:

> Never once during my ten week stay did I hear a conversation, other than the ones I initiated, between teacher and teacher, or administrator and teacher, about the needs for the personal relationship between pupil and teacher. What was actually going on in a classroom didn't come into the conversation. How to help a particular child didn't emerge,

nor were techniques which might be used to achieve a certain curriculum goal discussed. Teachers operated alone, and when the day was over went home without playing back the day to anyone. I searched for positive feedback loops and found none. Sometimes teachers would complain to one another about spilt milk (literally), or one of the children who had been particularly nasty that day, or obtain instruction on something that was to occur or not to occur the next day. Faculty meetings were tense and given to problems such as frogs in laboratory sinks, dirty kitchens, food in the room, uncooperative people administering the breakfast program, and the like. I longed for a comfortable place to sit and swap stories, share my frustrations and pleasures, and learn from my colleagues in the school.

The patterned ways in which we have come to behave in schools now prove to be dysfunctional. We have tight schedules. We have the clearing and closing of buildings at 3:30 p.m. Many of our ghetto schools have a security officer who is conspicuous. We have anxiety everywhere. There just has to be a better way; and, as I said before, what will make a difference is a resolve, a belief, a conviction, or a homely attitude that we can do better with what we have – accepting who we are for what we are – and getting on with this task.

We have participated in urban projects featuring crash programs with so-called new approaches, and some of us have been affected with the paranoia that accompanies frenzied searches for elusive answers to the problems of urban education: its complexity, its incredibly unyielding nature, its resistance to the conventional, its harshly differential milieu, and its confused and conflict-prone constituency. My approach to urban education reform for at least the past half-dozen years has essentially been organizational; that is, revised patterns of district organization, improved mechanisms for public participation, team teaching or differentiated staffing, altered structures of decision-making at the state level, and even reform within the federal government in the administration and governing of national programs. I think that these have a place.

Now we are past the stage when further institutional self-denigration or negative criticism is of value. School people on the urban scene are today's heroes; at the same time they are traumatized by their situations. Citizens remote from day-to-day urban education are becoming better informed about school problems. Students at most levels are sensitive to deficiencies in their education environment; we needn't highlight them any longer. And the caring parents are beside themselves about the frailities in urban schools. So further indictment will only lead to further individual and institutional paranoia. Disadvantaged, lower class, minority groups, poverty children – no matter how labeled, they are simply not achieving; at least they are not performing as most of them or us would have them perform. The expectations of parents and teachers and board members and students themselves simply are not being met. And each year, despite some improvements here and there, the overall picture appears to worsen. Admittedly our data on performance are fragmented and often unreliable, but the observations all of us make about urban schools support the general belief that the problems of urban education are not improving rapidly and, in fact, are getting worse every hour. Deterioration is occurring even in the face of stepped-up investment in education at all levels and public spotlight on the problem

Again my exposure to day-to-day life of the urban schools as well as to the literature in education and other social sciences leads directly to the neighborhood – any neighborhood and all neighborhoods. If we are to have educational reform, it will be building by building across the urban scene. It will be achieved by people like us working together on educational problems – children's problems and our problems. The tough, mind-boggling questions – alienation, low self-estimates, under achievement, violence – cannot be solved in distant central offices or congressional chambers; they can only be solved by local problem-solvers – by teachers; college people, by parents, by students, and by interested others. I have great faith in our capacity to mobilize and apply our local energy, our talent, and our ideas to win this growing battle in the urban centers of America.

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CHANGE STRATEGIES FOR SPECIAL EDUCATORS

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Theoretical discussions and policy conclusions regarding the important issues of decategorization and labeling must eventually be translated into organizational practice. Local school districts, colleges and universities, and State Departments of Education face significant problems in meeting the legal, professional, and organizational requirements implied by the new face of special education. These requirements will demand a great deal of organizational renewal, and an important dimension to renewing organizations is a prospective posture regarding utilization of all available formal planning and organizational strategies. In other words, a system of deliberately planned change will be necessary. Without careful consideration of the need for planned change and without systematic application of existing management technology, the broad organizational diffusion of, for example, performance or competency based systems, of restructured leadership systems, or of systems which minimize use of categories and labels may take place only with "deliberate speed."

Special education administrators and formally designated leadership personnel in schools, training institutions, and State Departments are, as a group, not very well trained in the science and process of management and administration, and even those who recently have pursued dual training in both administration and special education are not particularly well-versed in either the theory or practice of managing change within formal organizations. In fact, very few training programs for general school administrators place more than token emphasis on this topic. This is not to say that without intensive training for special education administrators in the science and process of change there will be few performance-based programs or noncategorical approaches to designing special education delivery systems.

It is important, however, that leadership personnel know how to organize for change, and recognize that change management technology represents a guidance control process which can facilitate efforts to redirect organizations. That certainly is the task at hand – the redirecting of organizations to not only make surface changes in terminology or in surface practice, but to modify long-held attitudes regarding responsibility, segregation, and labeling.

A key question for special education leadership personnel is "How long can we take to get to where we want to go, given the critical nature of the task at hand?" Dumont, in describing the changing face of professionalism cites several characteristics of the "new professionalism," several of which are germane to changes taking place in the field of special education. Among those cited by Dumont are consumer control, indifference to credentials, superordinate purposes, compassion, attitude of criticism, and, important to this discussion, impatience with the rate of change (Dumont, 1970). I submit that more attention to change theory and to formal change strategies would not only ensure more substance to our redefined mission, but would hasten the rate of institutionalizing those changes we postulate as necessary.

In this respect, and for those who wish to undertake an extensive study of the process of change as applied to formal organizations, there exists a wealth of literature. Unfortunately, it is a rare special education administrator who can take the time necessary to arrange and to profit from such extensive analysis. A more logical approach to training leadership personnel in change processes and formal change strategies and models might be through a series of federally or otherwise sponsored technical assistance institutes for key leadership personnel in the Country. Obviously, design of such a training package would require considerable effort, and would need to be conducted under some major support umbrella.

In lieu of such an effort, however, the following sections of this paper detail some thoughts or assumptions about the process of change, and lists some suggestions which might be helpful in creating change. In the several statements which follow, the term "special education" will appear only infrequently, as the suggestions and thoughts which appear are not unique to special education; but represent ideas from a generic base which have implications for special education leadership personnel.

Some Assumptions

Change is more than the fact that some alteration has taken place in something. Change can obviously take place in an individual organism at the autonomic or unconscious level, or within individuals and organizations in reaction to either internal or external crisis. It seems preferable, however, to conceptualize change in a more aggressive, prospective manner, somewhat as Miles defined an innovation to be that which is willed rather than natural, planned rather than haphazard, and specific rather than general. (Miles, 1964). As Netzer and Eye point out, however, the willing, planning, and specifying do not alter the basic notion of change as alteration. (Netzer and Eye, 1970).

Change is a process which, if it is to be managed so that which is "willed" comes to fruition in both form and substance, requires specific leadership attention and focus. School organizations are complex and generally not static. Effective management of change requires constant analysis of original best guesses as to strategy and techniques, and requires monitoring to prevent a Janus-like status – that is, creating a paper process but subverting that process either through willful neglect or organizational "drift."

In any process of defined change, some one person or persons must be designated as accountable for operation of the change system. In many cases, accountability may shift contingent on whether the change is at the "idea" or at the application level. Perhaps a useful distinction is that suggested by Mathew Miles in his summary of group discussions at a 1964 Seminar held by the Center for Advance Study of Educational Administration at the University of Oregon. In discussing the role of the school superintendent, he specified roles which might be helpful in assigning responsibility for managing change, two of which were the "content initiator" and the "process initiator" (Carlsen, 1965). Somewhat analgous to these terms are those of "Innovator" and "Linker" used by Netzer and Eye (Netzer and Eye, 1970). In either case, the content initiator (innovator) represents he who defines the change content or idea and the process initiator (linker) represents he who establishes and accounts for the process or processes by which the idea is translated into practice.

Not all formal organizations are equally open to planned change, but all can be changed to some degree through planned change strategies. The success of planned change is contingent on several variables, one of which is represented by the term "organizational readiness." Several factors have been identified which relate to this readiness, among them the extent of the target system's felt need for change, the timing in relation to other in-process internal changes or to past innovations, size of the system, organizational complexity, and others (Gallagher, 1965). Other variables also of critical importance are the presence or threat of externally mandated change (i.e., court orders, State Agency Regulations), the degree of past provincialism in recruiting and staffing patterns, the posture and tenure of the Superintendent, the attitudes of external consumer oriented reference groups, and community politics.

Obviously, the public schools are basically people, and the success of any planned change will depend in large part on strategies for identifying those who will support or oppose the change, and on those strategies selected to cope with either passive or overt resistors. Coping strategies vary from the purge-oriented end of the spectrum to that of recognizing that resistors cause the change process to be more creative (Netzer and Eye, 1970). Potential resistors to changing, for example, from a categorical delivery system to a system which minimizes use of labels or categories, are categorically oriented consumer groups, internal or external categorical "experts" such as local school and State Department categorical supervisors or consultants, school principals, union officials, special class teachers, and others. The openness of each school organization to planned change will vary depending on the number of such resistors, their relative influence as individuals, and the degree or intensity of their investment in a particular "category."

Although the openness of organizations or of special education units within the macro-system varies considerably, organizational goals, objectives, policies, and procedures of all organizations can be modified through planned action. The extent and need to modify one's expectations regarding rate or progress, and the need to utilize successive approximation strategies will be clear in settings which are rated high on the index of resistance to change.

There is no one way to direct or manage change. Many strategies or models appropriate to conceptualizing and managing the change process are available, each of which will be differentially effective in different settings. While several ingredients have been suggested by others (Dalton, 1968) as generic (i.e., presence of a change agent, organizational tension, planning) the specifics of knowing where you are, defining where you want to go, and determining best ways of getting there will necessarily have to be eclectic. Braybrooke and Lindbolm discuss approaches which are labeled "rational-deductive" and "disjoined incrementalism" (Braybrooke and Lindbolm, 1963). Another way to describe the continuum of choices alluded to by these terms might be a continuum of "formality" ranging from a very defined maximally planned change operation to, on the other end of the continuum, a very informal, almost totally ad hoc and opportunistic change operation.

Other dimensions important to the special educator in designing change operations are "visibility" of those changes expected, and "style." The Houston plan, for example (Meisgier, 1971), is a change operation where the visibility of the change operation is high, in that goals of mainstreaming, minimizing of labels, and others are approached through highly visible total organizational renewal efforts.

"Style" refers to the manner in which significant others or target populations are involved in any aspect (needs assessment, goal setting, implementation) of the change operation. Style ranges from a highly inductive approach (where all aspects of the operation from determining where to go to how to get there are designed through formal assessment of need, beginning with both internal and external consumers and progressing to evolution of direction and operational strategy based on the documented needs) to a highly deductive approach relying heavily for design and evolution of the change operation on the internal norms, knowledge base, and philosophy of the change agent or agents.

At any rate, while the point is clear that there is no one way to create change, it is important to develop some type of cognitive map which might be helpful in the selection of strategies. While there are many dimensions to consider, several important parameters in evaluating change strategies for use in a particular organization are formality, visibility, and style.

Some Important Considerations

While it is important to acknowledge that change is more than alteration, that change is a process which requires specific leadership, that not all social organizations are equally open to planned change, and that there is no one way to manage change, it is also clearly necessary for special education change agents in the schools and in related support organizations to identify specific strategy arenas which might be helpful to think about in more detail vis a vis internal organizational application. Several of these arenas, including: (1) personal action, (2) utilization and improvement of the power base, and (3) utilization of concepts of organizational structure and management technology, are briefly discussed in the following pages. A full discussion of these general areas and their specific components is beyond the scope of this paper, as each of these major topical areas represents a wealth of research and available technology.

Again, while the intent of this paper is to assist in some small way in the furthering of our collective ability to create nonlabeling, functional special education delivery systems, the following topical areas are generic to the process of change in formal organizations.

Personal Action

In any formal change operation, the role and actions of the change agent are critical. An important success variable in any change ". . . is the degree of energy or vitality which individuals at various levels are capable of developing . . ." (Dimock, 1970). Success of any change operation will be greatly influenced by not only the extant internal status accorded the person acting as change agent, but also by the enthusiasm (vitality), the knowledge base, the risk taking ability, and attitude toward goal orientation displayed by the change agent. It seems clear that each of these variables needs to be attended to if the change operation is to be successful. The change agent must register enthusiasm, must demonstrate his vitality, must have substantial knowledge about the organization and change strategies, must be willing to take personal and organizational risks, and must be target specific and goal oriented.

Of these personal action domains, most are dimensions of the basic personality of the change agent. While this does not preclude change in ability to be, for example, enthusiastic and goal directed, the most amenable of these dimensions of personal action to modification is knowledge of the organization and of formal change strategies. Given this, it is fortunate that selection factors common to innovators or to those who independently seek to create change are such that characteristics of enthusiasm, goal directedness, and risk taking willingness are typically present.

Improvement and Use of Power Base

Each of us has a power base which has something to do with both our formal position in an organization and with our informal associations at both internal and external levels. The influence of power systems is felt at every level of public education (Lutz and Iannaccone, 1969), and special education programs are no exception. Unfortunately, the history of special education reveals that special education units within schools have been typically low in internal power base, and most power available to special educators for internal utilization has been externally based in the form of parent groups, legislative enactments, and more recently, court action. In recent years, however, the growth of programs for handicapped children has resulted in considerably greater organizational visibility and resource control than was the case several years ago.

Given power in some quantity (quantification is not the most helpful way to perceive power), special educators can effect change through exercising this power, or can improve their power base through a number of specific strategies, several of which are listed below:

1. Attend to organizational visibility (create and disseminate public information, maintain proximity and exposure to top management).

2. Selective emphasis in resource utilization (structure resource allocation priorities and procedures to enhance a specified direction or goal).

3. Maintain a "volunteer-aggressive" approach (aggressively seek macro organizational ad hoc tasks which may not be specified in your formal role definition, but which may help improve your organizational visibility and total knowledge of the organization).

4. Maximize external reference group interactions. (Establish and maintain mechanics or systems which keep you in regular formal contact with parent groups, superordinate agencies, special interest groups, etc.)

5. Utilize selective employee training, recruitment, and termination practices. One of the most productive long-range strategies has been to select for employment those whose training and interest are compatible with expressed direction. Currently, one of the most promising change strategies is the utilization of in-service training resources, priorities, and technology. Clearly, in-service education, as one dimension of personnel change, is a process which can be more aggressively utilized in planned change (Harris and Bessent, 1969).

Utilization of Concepts of Organizational Structure and Management Technology

Typically, special education leadership personnel in the schools and in support organizations have been trained as "categorical experts", and are not as a group trained or knowledgeable in the science and technology of managing organizations. The need for special educators to become more knowledgeable and skillful in understanding and managing formal organizations was stressed earlier in this paper. It is clear that: (1) utilization of formal models developed to conceptualize and manage the process of change, (2) utilization of the many management tools available to help design and establish functional organizations and to assist in targeting behavior, and (3) utilization of either internal or external formal organizational analysis approaches, can no longer be considered peripheral or esoteric to our mission.

Summary

In summary, while many resources are available to those individually motivated to improve their knowledge base in the area of resource and program management theories and practices, in maximizing power base utilization, and in maximizing personal effectiveness as change agents, the scope and urgency of changes required in the field of special education mandates other than individual effort. The uneveness in knowledge and practice of sound managership of change on the part of special education leadership personnel in various school agencies is a critical factor in retarding progress toward the goals of: (1) full service to all handicapped persons, and (2) structuring delivery systems to minimize labeling and categorization practices. In this respect, major in-service leadership training systems are needed.

Clearly, national priorities and professional consensus have specified where it is we should be in the rather immediate future, i.e., full service for all handicapped. The speed with which we progress, and the quality of the form and substance of our products are going to depend to great extent on the competencies of those who manage the extensive training and service resources now available, and a national priority should be addressed to a major retraining and orientation effort which would focus on training in areas advocated by this paper.

While it is important for leadership personnel to know more about, for example, the technology of new and developing programs, the learning needs of those whom we have not previously served, court and legislative requirements, and current client and program research findings, the crux of putting it all together and making delivery systems functional is the ability of each of us to design and manage the change process and to make wise use of scarce resources. These competencies are generic to all educational leadership persons, but are particularly needed if the courts are not to be put in the position of continually directing our efforts. As indicated earlier in this paper, individual effort at improving competencies in these generic competency areas will be helpful, but a National effort at narrowing the performance gap is clearly needed.

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part III

implications of performance-based delivery systems for special education leadership

A PROPOSAL FOR FUTURE LEADERSHIP TRAINING

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The changing picture of special education has created new demands on special education leadership personnel who will require new skills to function effectively in these emerging situations. Overall changes in program assumptions and growth of special programs; shifts in the pupil population, both from geographic mobility and the growing conviction that all children are to have equal educational opportunities; shifts in teacher and specialist availability and utilization; the knowledge explosion; and current and predicted changes in organizational patterns create new leadership positions as well as new roles for and new demands on administrators in well-established positions.

In Minnesota, most directors or other administrators of special education programs have assumed their positions recently. Although persons selected for these new positions tend to be highly trained teachers of handicapped children, they often lack administrative background, and their responsibilities make it difficult for them to participate in currently available training programs. In addition, the relatively few administrators with extensive experience and considerable sophistication in their roles are finding these roles changing as programs become increasingly complex.

This paper will describe a training model devised to solve specific problems in Minnesota, but which may also be seen as having broad implications for other states or for other situations involving numerous, new or inadequately trained personnel for whom continuing education is a pressing need.

Background

National figures indicate that there is no longer a shortage of teachers for general education in most sections of the country. There continue to be, however, shortages of staff trained in specific specialty areas which involve handicapped children, despite the general surplus. In Minnesota, for example, a large proportion of the public school teachers instructing children with low incidence physical or sensory handicaps lack formal preparation for working with the children to whom they are assigned. Introduction of new types of positions, new staffing patters, and shifts in the competencies required in given roles all create demands for further training of large numbers of personnel. Minnesota's Special Learning and Behavior Problems (SLBP) programs are a case in point. Following rapid program expansion in this area, the numbers of untrained personnel already at work in SLBP programs have been larger than college training facilities and staff could accommodate, forcing school districts to attempt to devise their own inservice programs. In addition, changes in philosophy, accelerating increases in knowledge about special education and concomitant technological advances, and the use of personnel in different roles have necessitated the retaining and updating of persons, such as EMR teachers, who may be fully certified in a specialty area. As more handicapped children are served by program models which allow them to remain in regular classrooms for longer periods of time, general education personnel have a corresponding need for additional skills and understanding exceptional children and their needs.

However, in many cases existing training programs have difficulty in meeting these changing needs. Minnesota, for example has delivery problems due to its geography, which consists of a major population center (Minneapolis-St. Paul) and a sparsely populated rural area punctuated only by occasional outstate cities. In a number of specialized programs, only a single training program is required to provide manpower for the state, but when it is located in a metropolitan area, "outstate" people are less likely to be able to utilize it.

Another problem is lack of flexibility in the system of which training institutions are a part to accommodate to changes. The University's functions extend beyond training teachers to assuming leadership in producing significant changes in philosophy and practice in the schools. However, the result can be to produce needed specialists, such as consulting teachers, for whom no specific certification is available. At other times, changes in programs, and consequently in position demands and competency requirements, may emerge from the schools; and training institutions may be slow to receive this information and make corresponding adjustments. The changing characteristics of knowledge and skill requirements also call into question the traditional format in which teacher preparation has been conducted as well as the training curriculum.

There are few kinds of positions which illustrate all these characteristics as well as do leadership positions.

Minnesota has experienced a sharp acceleration in growth of special education programs in recent years. The state's public schools served 14,371 handicapped children in 1957-58, the first year mandatory legislation took effect; in 1967-68, 48,335 children were served; in 1971-72, about 75,000 handicapped children were served, and this increase is projected to continue. This increased growth rate has been accompanied by and, in some cases caused by changes in philosophy service models, and organizational patterns.

Among these new developments has been the addition of leadership personnel, usually by formation of cooperatives of three or more school districts which jointly offer services unavilable to single, small districts. Another emerging pattern is the intermediate unit. Since 1968 the Minnesota State Department of Education has placed Special Education Regional Consultants (SERCs) in six of the seven aggregate Governor's Planning Regions to assist school districts in developing special education programs, developing cooperatives, maintaining liaison with other agency services, and related duties. Plans have been formulated for more comprehensive intermediate units which would be legal entities and would provide a wide variety of education services.

Minnesota's 1967 State Plan for Title VI, ESEA, (now Part B of EHA) called for the development of administrative mechanisms of a cooperative nature as one of the state's highest priorities. Prior to Title VI, in 1967-1968, only nine districts provided leadership personnel for their special education programs, and these were located in Minneapolis, St. Paul, Duluth, some suburbs, and a few outstate centers. Currently, there are 54 directors of special education serving over 265 of the state's 438 school districts, as well as an increasing number of specialized program coordinators and consultants in districts with well-established programs and overall leadership. The State Department of Education projects that a total of around 70 directors will be needed to bring some leadership to all school districts, and has set a goal of reaching this minimum and covering the state as one of its five-year goals.

The addition of leadership persons or administrators of special education at the local level has been the key to many recent changes in special education programs. A recent study (Prazich, 1971) has documented the relationship between formation of interdistrict cooperatives by employing a special education administrator and program development, and goes on to say that "prototype systems for pooling resources and delivering services are inherent in the interdistrict cooperative concept." Positions in cooperatives, intermediate units, and other emerging special administrative arrangements are completely different situations than those found in a more traditional single district operation. The special education director employed within these different arrangements is increasingly confronted by new or unique problems; and the general administrator, with whom the special education administrator must work, has correspondingly greater needs for understanding special education programs.

Another study (Spriggs, 1971) of persons employed as directors of special education in Minnesota for the 1971-1972 school year contained a number of items describing these leadership persons. Spriggs' data indicated that the typical director has a high level of training (84 percent had credits beyond the master's degree; eight persons reported earned doctorates). The typical director supervises a staff of between 30 and 49 full time equivalent positions in a district or cooperative with a pupil population likely to be under 15000. In many cases, especially in outstate areas where districts are small, he is likely to be a new person in a new position; 64 percent have held their present position for less than two years prior to 1971-1972; over half the districts have had a special education administrative position for less than three years, and almost half have had only one person in the position.

Indications of Training Needs

There are many implications for training programs in the growth of leadership personnel. Currently there is no Minnesota certificate for a "director of special education." Such persons are certified as supervisors of disability area programs, which certification requires a master's degree in teaching children in a specific handicap category, plus a minimum of eighteen credits in administration, supervision, and curriculum, including an approved course in supervision, and two years experience teaching handicapped children. The competencies needed for administration of special education programs are not presently incorporated into certification of these people.

In a majority of cases these are new roles and tend not to be well understood. A principal's job is well defined; a special education administrator's often is not. A special education director in a cooperative is often in a unique position; lack of understanding or agreement on what he is to do may force him to assume a different role in each district of the cooperative. He is likely to have no models to follow, both because of the newness of the position and because of geograhic isolation – in rural areas he often has to travel widely to find the next person similarly situated.

In addition, special education is not only a relatively new area; but is is supportive to the general education program in a school. The nature of the program and, consequently, the functions of its leadership are to a large extent related to the strength of the mainstream program in that particular district. This statement should not be construed to mean that there is not a common group of competencies needed by all special education administrators; this writer contends that there is such a common core.

A third problem related to current certification is that the director's previous training may not correspond to the role he actually has assumed. Spriggs' study of the role of a special education director showed that 86 percent of respondents had "18 or more" credits in special education curriculum and other technical areas. Seventy-nine percent had nine or fewer credits in administration or supervision of special education; over half had nine credits or less in school administration (three persons had none). New directors may not have developed these competencies because their previous positions as teachers or mentally retarded children or speech therapists did not require them. Selection for a leadership position in special education is often the result of success as a special teacher.

However, the director's duties in his new position become administrative ones. Spriggs' questionnaire contained a 35-item list of duties which might be the special education director's responsibility. Of these 35, appropriate preparation for 21 of them might be found in courses in general education administration; for 29 of them, in special education administration; but for only eleven of them would preparation be found in courses in special education curriculum and other technical areas. For the items which most directors assumed to be their responsibility (30 percent of respondents or more), fifteen might utilize educational administration preparation; 24, special education administration training, and eleven, special education teacher preparation. Yet, as noted above, respondents indicated most of their training to be in the third area.

Respondents were not asked how much of their current preparation they had when they assumed their positions. Observation would suggest that much of the education administration/special education administration coursework was taken recently, possibly in order to fulfill current job requirements.

There is also a considerable amount of less formal evidence that current special education directors are in need of further training. Responses of directors to a request to "list your five greatest problems at the present time" produced results with prominent implications for training programs. The results of this exercise indicated that both program development questions and ongoing problems in planning, internal organization, the director's role and function, and solution of ongoing administrative problems such as transportation, are current concerns of Minnesota special education administrators. Directors are making numerous and repeated requests for consultative assistance – from University faculty, State Department central office personnel, special education regional consultants (SERCs), and independent persons – and the types of questions they ask are instructive: questions regarding program evaluation, finance, personnel practices, decision-making, communications skills (including letter writing), law, and organizational structure.

These needs are of a type that existing training programs, such as the one available at the University of Minnesota, have difficulty in meeting. The University currently has the only doctoral level program in special education administration in Minnesota. It is interdisciplinary in nature, focused around a core of courses in educational administration and educational psychology. It requires a year of practicum for students who have not had prior special education administrative experiences and has access to a number of resources to produce graduates who can effectively function in administrative roles; most graduates are, in fact, in very influential positions.

However, this program is not available to many who desire further training, nor is it appropriate for those who do not wish to pursue an advanced degree. Many new directors are located at some distance from the Twin Cities and cannot take on-campus courses during the school year. Most are employed on 48-week contracts and cannot be released for five-week or longer summer terms. In addition, sabbaticals or a year's leave of absence are not available options for persons new in their positions. Financial considerations, from the condition of the national economy to a lack of fellowship support, are another deterrent to enrollment in the existing program.

Minnesota Strategy for Continuing Administrator Education

The University is planning an alternative program to its traditional on-campus training sequence, one which will provide instruction in discrete, specific skill areas that are needed for administration in special education or in general education. Each short course in the proposed series will focus on a specific topic and will be able to stand by itself as a unit. All courses will be expected to carry graduate level University credit and will utilize instructors from a number of University departments and adjunct professors from the public schools and other agencies. Content of the courses in the sequence will be determined by a needs assessment, resulting in a more flexible and updated curriculum. Outreach consultants will be used to focus training on problem solving in real situations. Enrollment in the courses, which will probably be located off campus, will be limited to 25 persons per session.

Since the Division of Educational Administration is moving toward training principals and superintendents at the specialist level, this project could easily develop into a specialist sequence. The new program and the existing doctoral sequence should be seen as complementary aspects of a single training program for special education administrators which meet different training needs of different people. It should be obvious that this program must be operated with the full cooperation and support of both the University's Department of Special Education and Division of Educational Administration; workshops can draw resources for workshop planning and evaluation, course domain, and staff from both areas.

Procedures for Implementation

Competency-based training. Minnesota has begun to certify teachers on a competency basis, under which the State Department of Education develops areas in which competency must be attained, investigates and approves training programs designed to train students in these areas, and grants certificates to anyone who successfully completes the college's program. The State Department has begun this year to identify competencies for special education administrators by looking at responsibilities they should carry out. The University will begin its new training program by defining operationally the general competency areas and setting up criteria to determine adequate student performance in each area.

Needs Assessment and Curriculum Development. Data on the specific extent of existing administrators' competence are not presently available, nor is a system in operation which can provide the University with data regarding emerging training needs on a regular basis. From the list of competencies developed for this training program and current program development data, we will determine the extent of discrepancy between the present level of performance of administrators who will participate in the new program and the criterion level. An assessment team, consisting of training program faculty and experienced special education administrators from schools and other agencies, will observe each potential trainee at work in his own district or districts. The team will use their own observations and interviews with the administrator's supervisor and staff to evaluate his current effectiveness in working with teachers, principals and superintendents, parents, and representatives of other agencies; they will also assess his current systems for administration, management and child advocacy, child study, and instruction and services. The administrator will evaluate his own knowledge on relevant topics such as school law and finance or emerging program models for handicapped children.

Analysis of the assessment data will yield a profile of each individual administrator, which is somewhat analogous to a child's individual educational prescription, and will determine priorities for initial workshop objectives. It would serve as a pretest to be compared with a later administration for determining workshop effects on director behavior. If necessary, it could also provide a basis for setting priorities in selection of workshop participants.

We anticipate that new administrators will show similar patterns of competence as will directors whose programs are attempting similar types of changes such as decategorization. We expect that such findings will facilitate curriculum development and the follow-up process. It is also likely that some topics to be covered initially are related to the content of presently available courses. Thus, for example, it might be possible to take the two units from a school law course most critical to special education administrators, revise them to meet the needs of this rather homogeneous audience, and write measurable objectives for the new instructional unit. In many areas, of course, it will be necessary to develop objectives not covered in any existing course. In either case determination of objectives, from the needs assessment, can be followed by research on methods, materials selection and/or development, decisions on format, and development of evaluation instruments.

Workshop Operation. Workshop participants will be sent packs of materials with some required reading to be done prior to the session, and the first workshop activity might assure that a certain level of competence was held by all present. Time could then be spent on problem solving activities, rather than on providing facutal information, with faculty in consultant or coordinator roles rather than lecturing. A course in a particular competency area might consist of a single session of two to three days, or a series of such sessions, depending on the content area and participant needs. During the summer, school year participants might attend an intensive one-week or two-week short course covering broader topic areas than is possible at one time during the school year.

Follow-Up. A unique feature of this program is the projected extent of faculty contact with participants after conclusion of formal workshop sessions. The purpose of this outreach activity is to assist participants in applying what has been presented in the sessions and to determine the extent to which the discrepancies between adequate and actual performance found by the needs assessment are being reduced. A participant might select a current problem in his program and utilize both workshop time and follow-up consultant time to design a plan of action and carry it out. The extent of follow-up assistance will vary with the individual and the topic but will probably extend over a period of several months. It could be organized in a number of ways. The trainee could meet with the consultant in Minneapolis, have the consultant visit the district's special education programs, or have him meet with superintendents and principals. Most contacts will probably be on-site since this affords increased opportunity to assess the extent of change. The consultation will be provided by workshop faculty or members of the assessment team, who could use data thus generated in evaluating individual workshops and the training program, along with the needs assessment post-test. Successful workshops can be "packaged" for replication in other places with similar training needs.

Summary

This paper has attempted to describe a training model which would enable University training programs to assume leadership by assisting operating special education systems to accommodate to educational change. The emphasis in the model on competency based training, needs assessment, short discrete inservice units, and on-site follow-up or feedback to trainees should help to insure that skills learned by workshop participants are those which are relevant to their positions and necessary to implement change in the system. In Minnesota and in other states continuing education for special education administrators can be a key factor in bringing about implementation for the proposals discussed throughout this conference.

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A PLAN FOR AN AD HOCRACY

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Categorical Organization and Service Delivery Options

The major objective of this paper is to share some ideas on the need to organize special education administrative support structures around service delivery options rather than the predominant system of categorical organization. In the development of this organizational model, I will (1) review several efforts at decategorization in special education, (2) discuss the role administrative leadership plays in program development, and (3) present the "ad hocracy" approach to special education leadership functions. Before reviewing selected decategorization efforts it may be helpful to define the term "decategorization" as related to both university training programs and public schools special education service programs.

In most special education training programs today traditional academic and practicum experiences are organized to prepare students to teach in a disability category such as the hearing impaired, the emotionally disturbed, or the mentally retarded. In so-called decategorized training programs potential special education teachers learn to function in what would generally be considered a general resource teacher role. These training programs do not require a competency in one category or another. Rather, students, usually at the masters level, are trained to work in a support role to regular class teachers with the objective of developing accommodations within mainstream programs for mildly handicapped youngsters from all categories.

A number of public school service programs have been developed during the past several years with emphasis on decategorized or intercategorical programming.*

Several of these programs will be highlighted in an attempt to provide a common backdrop for the remainder of this presentation with specific reference to intercategorical programming.

The term "intercategorical" is probably more appropriate than "decategorized" or "non-categorical" for it infers a commingling of mildly handicapped students from within categories whereas the term "decategorized" implies an elimination of categories which is in no way being suggested.

In Minneapolis, two special education learning centers have been established.[*] In these centers mildly handicapped hearing impaired, visually impaired, retarded, disturbed, and learning disabled children are provided specialized services. Their most common educational denominator is a functional achievement deficit or a specific behavioral problem. When indicated, teachers make adjustments in the learning center to accommodate the child's unique requirements, such as a mildly hearing impaired youngster might have. The curricula are carefully structured within the center so that children move through a sequence of teaching-learning experiences each of which is designed to approximate gradually the requirements and structure of the regular class situation.

Another example of decategorized programming is the Maryland plan, "A Design for a Continuum of Special Education Services." According to the authors of the plan, its major features are:

1. Focusing on learning difficulties rather than on traditional disabilities;

2. Providing for the maintenance of the child in regular class except when it is unavoidable;

3. Providing specialized services on an individual basis;

4. Eliminating generally the stigmatization of the special child, and

5. Providing support to the regular classroom teacher's diagnostic identification and remediation efforts with the regular class.

The "continuum of program design" provides seven programs ranging from consultant services to private and public residential services. The first four program options are designed to increase the coping power of the regular class teacher. The last three programs are the stalwarts of a traditional special education program

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[*] *See Deno, Stanley, and Gross, Jerry C. "The Seward-University Project: A Cooperative Effort to Improve School Services and University Training" in* Instructional Alternatives for Exceptional Children *pp. 104-121, Evelyn Deno Ed., 1973.*

[*] *See Johnson, R. A. and Grismer, R. M. "The Harrison School Center: A Public School University Cooperative Resource Program" in* Instructional Alternatives for Exceptional Children *pp. 93-103, Evelyn Deno Ed., 1973.*

-- special classes, day schools, and residential centers. Significant, however, is the fact that the major program efforts are focused on the maintenance and strengthening of mainstream programs. Approximately 600 students from a population of 4,000 are participating in this pilot program. It should be noted that in preparation for working in one of the seven program options, teachers, principals, and support staff were involved in orientation seminars and some college credit course work. This emphasis on inservice for mainstream personnel is a key to the success of the first four program options.

Another innovative effort is being carried out by the Texas State Education Agency in the form of competency-based certification for special education teachers and will be reviewed in more detail during a later section of this conference.

With regard to the training of special education teachers, efforts are underway to break from the tradition of preparing categorical teachers in many of the 304 colleges and universities receiving teacher training funds from the Bureau of Education for the Handicapped (BEH). No small stimulus for this trend was provided by BEH when it called for teacher training institutions to apply for block grants rather than categorical training funds. Universities on block funding have more flexibility in their use of federal monies, thereby stimulating the training of special education teachers who have in-depth exposure to such skill areas as diagnosis and remediation, setting instructional objectives, contingency management and consultation with mainstream teachers. Providing practicum experiences for special education teachers trained in these new programs will undoubtedly encourage more experimental and cooperative efforts between training institutions and public school special education programs. Although the Minneapolis Special Education Division has had cooperative agreements with the University of Minnesota in several special education program areas for a number of years, block grant funding at the University and the movement toward decategorized service options in our programs have stimulated further cooperative efforts.

This brief review of several efforts to decategorized training and service programs is designed to bring into focus the *essential meaning of decategorization*. It is primarily *an attempt to define special education training and service programs consistent with the degree and method of instructional intervention youngsters require and less in terms of their particular categorical labels,* labels which often reveal little by way of the child's specific educational needs.

Before examining the implication of decategorization from an administrative viewpoint and hopefully with some common understanding of what we are referring to by the term "intercategorical" as it relates to service and training programs in special education, it might be helpful to consider several reasons which stimulate us to look critically at our practices in programming for mildly handicapped youngsters. These reasons are provided in summary form without attempting to cite the full body of related research.

First, the negative effects of **labeling.**

1. Labeling students with descripters such as "mentally retarded" or "emotionally disturbed" can very often unnecessarily damage a student's self-concept. Stressing their physical and psychosocial differences with quasi-official labels adds nothing positive to their life chances. More important these labels bring with them a set of characteristics which in all probability are not descriptive of the children, especially if these children are in a class for the mildly handicapped.

2. A label conditions teachers to expect certain behaviors from students, and students in turn behave consistent with these teachers' expectations. This complex problem has recently been researched by Rosenthal and Jackson (1968). Although their work has been criticized on methodological grounds, their evidence generally supports the notion that relationships do exist between teacher expectations and the variable of pupil achievement (Barber 1968, Rosenthal 1968).

Second, special education has become an "opt-out" for mainstream educators.

Special education seems to operate as a separate educational system in many school districts. It is interesting to note that very often elaborate referral processes are established for placing students **into** special education programs with little or no attention given to **out** referrals. In one example of this kind of problem, it was determined by the courts that tracking-systems, including certain special classes were organized to shunt children off from the mainstream with little or no chance for returning. The classes were ruled discriminatory and fundamental changes in their operation were ordered (Hobson v. Hanson, 1967). Since this decision and others, a number of school districts have made fundamental changes in their referral and grouping procedures for handicapped youngsters.

Third, there is need for educationally defined service delivery options.

One most serious problem with a categorical delivery system is its inability to communicate things educationally relevant. To say that a child is in a program for the educable mentally retarded reveals little by way of indicating his specific need for services. Reger et al (1968) suggest that the label applied to children serves as a sanction for administrative action, meaning placement into a special class or other special program. The whole procedure tells us nothing about the child that we did not already know, and we have no information about what to do with the child after placement is made.

These three reasons for moving toward intercategorical special education programming are by no means inclusive, but any one of them could be reason enough to require change even though the change for most training and service institutions will be fundamental and therefore disruptive. For example, there are 125,000 special education teachers in this country. If we were able to "mainstream" 30 percent of the special education service programs by 1975, it would require the retraining of over 37,000 teachers.

Any discussion of intercategorical special education programming is incomplete without mention of the role state special education financial aid will have in this process. In states where local districts are partially reimbursed for special education expenditures, the entitlements are generally distributed within categories of impairment. The incentive then for local education agencies is generally to develop strong categorical programs. During these times of fiscal belt tightening directors of special education and superintendents are loath to tamper with these categorical aids by suggesting they be "watered down" or eliminated for certain youngsters. Some states, however, have recognized this problem and made local funds contingent more on the special education program design and less on the special education categories, a system we in Minnesota are supporting.

Summarizing, we have briefly reviewed several examples of decategorized service and training programs and discussed several reasons why these programs are necessary and why it will be difficult to promote these models around the country. Against this background, let me move to the major purpose of this paper: to offer a model for structuring special education administration consistent with intercategorical service programs.

*"The learning requirements of exceptional pupils, not their etiological or medical classification, should determine the organization and administration of special education."**

The remainder of this paper will be devoted to the discussion of an organizational model for special education administration which reflects the more functional arrangements suggested by the policies commission statement above.

Ten years ago Leo Connor wrote probably the first book in special education administration. In his final chapter, called "Looking Ahead," Dr. Connor made several interesting observations which seem pertinent to the present discussion. He said,

> The role of special education for exceptional youngsters in regular classes, never too well defined, seems to have been mainly an academic question in the past. As exceptional youngsters are transferred into regular classes under the popular impetus of the 'integration' movement and part-time special services are substituted for special classes, this question will become more important. Evaluation of integrated programs is a valid area of research study and may indicate, among other results, the need for special education consultation and supervision of the 'regular' school program on a vastly increased scale.

Continuing, Connor suggested:

> Upon each administrator of a program for exceptional children rests the obligation for giving leadership which offers a sense of unity and of direction to the entire field. Perhaps more than other personnel in special education, administrators are in a position to survey the program of special and general education and adopt a broader view which includes the findings of sociology, psychology, communication, physical medicine, statistics and other sciences. No longer can special education afford to have leaders interested only in the retarded or the cripple or the gifted or in a state or a university program. (pp. 117-118)

**February 1971 Council of Exceptional Children Policies Commission*

Connor's remarks serve as testimony that special educators are not immune from the rigidity that is most often our major criticism of regular education. Perhaps we have been unable to remove the categorical labels from many of our programs because of events over which we personally have little control, but who else in the local district is accountable for special education being current? When special education leadership personnel are unable to make necessary changes, it then falls to the courts or boards of education to force change. The position taken in this paper is one consistent with that taken by Connor ten years ago, that the impetus for developing new service models must come primarily from the administrator responsible for the programs. It is incumbent upon the local administrator to examine his/her administrative organization to determine what changes might be indicated. The model suggested below is one that may be used as a springboard for this activity.

Recently, Alvin Toffler published a popular book entitled *Future Shock*. In this book, Toffler reviewed what he called "The New Ad-hocracy." His essential point was that we are witnessing today the breakdown of the bureaucracy and the development of "project" or "task force" ad hocracies. Put another way, organizations are becoming less permanent and more transient. In business as well as education, one has only to observe the development of the role of the project administrator, a position established within an organization to handle a specific short-term, non-routine function. When the project is completed, the temporary task force is dismantled and is either absorbed into the organization in the form of other permanent or temporary structures or it moves out of the organization altogether. Toffler points out that this direction can be seen in forms other than administration. In architecture, for example, we are moving from long enduring forms to temporary forms, from permanence to transiency. In general education, the modular scheduling of junior and senior high schools reflects this flexible organizational scheme.

In recent years there have been indications that special education is moving into organizational units or patterns which signify substantive change. For example, in a recent study of a large city special education programs, recommendations were made to redeploy administrative functions to include a special education administrator responsible for "mainstream" programs. In another large program, special education administrators are being given administrative responsibility for more of the school's support systems such as school psychology and social work which have often been fragmented into non-line departments such as pupil personnel services and guidance. Other examples of administrative changes are the management by objectives model and the decentralization of decision making and resource allocations with which we are experimenting in Minneapolis. These events seem to suggest that to remain a viable, creative, and potent force in the public schools, special education administrators must carefully assess the constructs upon which their administrative organization rests. If the constructs are no longer valid, they must be replaced or at least redefined within what would be a more viable organizational scheme.

Let me be more specific. Over the past two years, in connection with an ESEA Title VI project, we have undertaken the task of gathering information on eight large city special education programs around the country. It was found that vast differences exist among districts in terms of the administrative responsibility and visibility given to the senior special education officer. For example, in one major district there was no senior special education official. Instead, there were a number of special education teacher supervisors, all responsible to the director of a pupil services unit. In a second district the senior special education official was at the superintendency level responsible only to the superintendent of schools. In another major district there was a director of special education centrally located but without responsibility for program administration. This responsibility was discharged through the offices of area superintendents in charge of geographic regions in the district, and the director served only as a consultant to the entire district with essentially no line functions in the organizations.

These differences in the organizational placement and visibility of special education administration within each district are a result of the complex interactions of such variables as: (1) the state laws governing special education services, (2) the strength of the local parent organization, (3) the educational philosophy and history of the district, (4) the professional background and philosophy of the senior special education official, (5) the financial resources of the district, and (6) the strength of the regular instructional program. Superficially, this diversity over the administrative placement of special education from district to district might seem a healthy situation. In fact, it has been suggested that these differences are only a result of the variations within each district of the need for special education services. One important finding in our survey would seem to cast doubt on this interpretation. We found that, in the sample observed, a high positive relationship exists between the administrative visilibity and responsibility of the senior special education officers and the quality and quantity of special education services available in the district.

If special education administrators are going to bring vitality to their organization, if they are going to comply with the intent of the decisions handed down in the courts of Washington, D.C., California, and Pennsylvania, and if they are going to bring service to the four million youngsters in this country who are not being served, as well as strengthen the program for the 2.4 million now receiving services, one thing they and their districts might do is evaluate current administrative organization to determine if its structure facilitates the accomplishment of quality services to all handicapped children within the district.

Special education administration is no different than administration in business or government in this process of continuous self-evaluation and adaptation.

Administrators must continually assess the mission of the organization and insure that the organizational structure is such that it facilitates meeting the organization's objectives. As the mission changes, there should be a concomitant change in the organizational structure.

For example, with a rigid line-staff relationship, it is difficult to make effective use of specialists. Where in the special education administrative structure does one place the behavior modification expert who will operate a research and demonstration project. Where and to whom does the project administrator for the "affective education" program report? Our new models of organization should accommodate these specialists so they can be used in a manner commensurate with their skills.

A criticism of current organizational systems is that emphasis is placed on rigidly defined job descriptions which confine individuals to the point of seriously inhibiting their effectiveness. It has been demonstrated that individuals who function in positions that allow little room for individual expression soon lose their vitality and efficiency.

Finally, organizations do not exist as islands. In the case of special education we must be aware of the changes in regular education to keep our own programs viable. All too often special education and regular education do not work closely together on the educational problems of handicapped children.

Time does not permit us to examine the complexities of these issues, but in your individual districts you might assess these issues in more detail to weigh their importance and role in any change system you may employ.

A Suggestion For Reorganization

As an introduction to a specific model for reorganizing the administrative structure in special education, consider this typical administrative organization of the programs special education offers.

Figure I depicts the model which districts generally follow today, offering a range of programs from consultation with the regular class teacher to residential treatment centers and day schools. Figure II provides a conceptualization of the administrative model shown in Figure I and is best described as a "supervision by programs" grid. Notice that the further students move up the framework, the more removed they are from their so-called normal peers.

This supervision by programs grid, although over simplified, shows the administrative organization generally found in special education today. "Categorical" supervisors or coordinators are represented by the vertical planes and service delivery programs by the horizontal planes. For example, the coordinator for programs for the mentally retarded has administrative responsibility for all levels of service programs including consultation, tutorial and resource programs at the bottom of the diagram through day schools and residential programs at the top of the diagram. Each coordinator has like responsibilities within his/her categorical area. This could ultimately result in as many different tutorial and resource programs, for example, as there are categories in that theoretically each cell in the grid could represent a discrete program although there are obvious exceptions. (Speech, for example, would generally not have a full range of services as suggested in the model.)

Aside from the philosophical problem with the categorical programs arrangement in special education there are logistical concerns for administrators. It has not, for example, been very efficient in our district to have our resource programs develop within several categories of handicap. It is understandable that principals and other regular education personnel are easily confused over these multiple and in fact overlapping service delivery efforts. Other organizational problems relate to the effective use of staff as they attempt to develop exemplary (perhaps competing) programs within each level of service.

Figure I

SPECIAL EDUCATION CATEGORICAL ORGANIZATION CHART

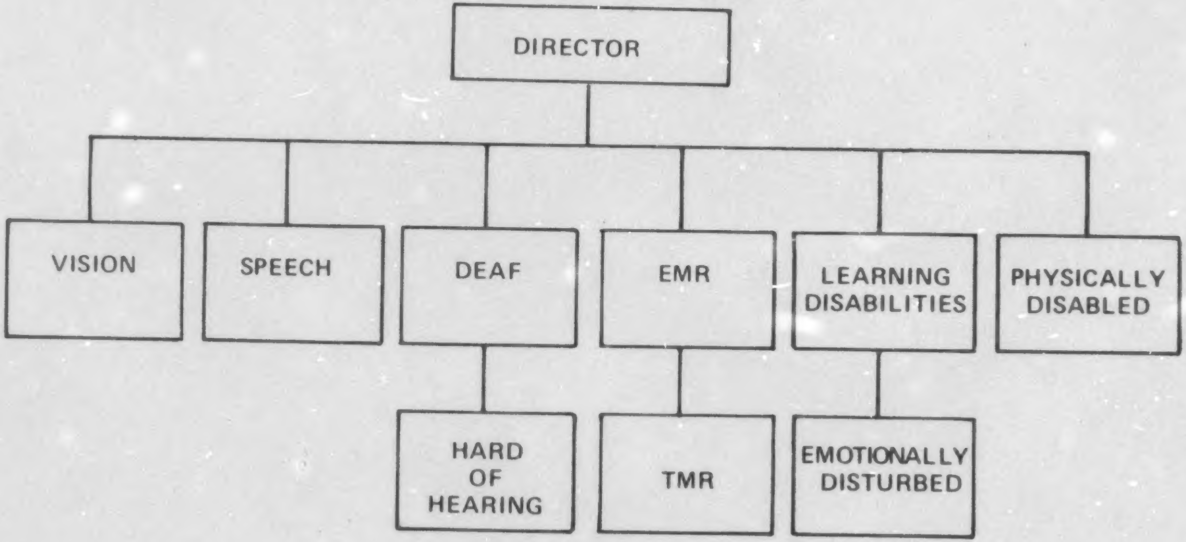
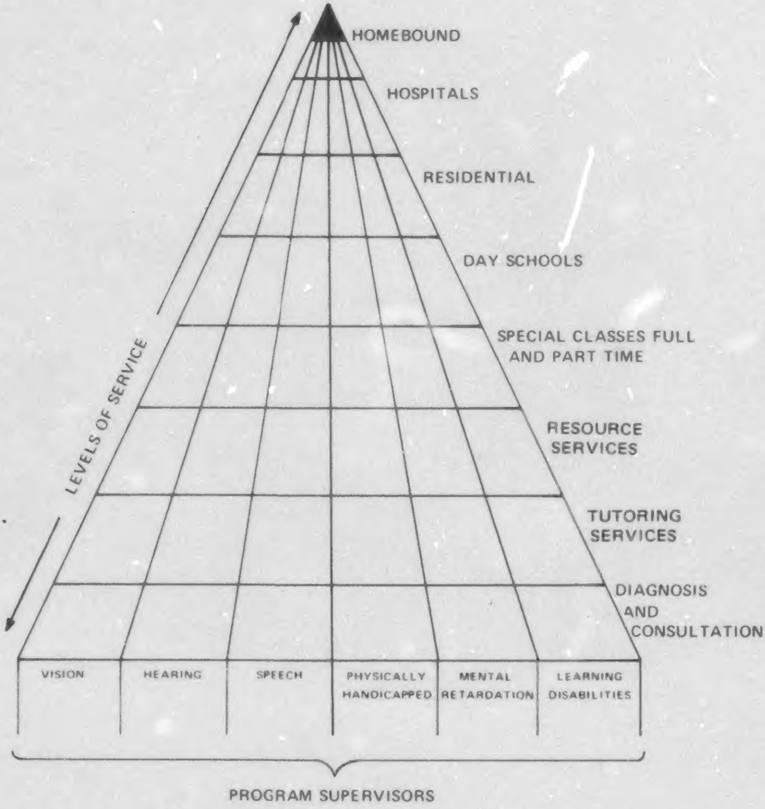

DIRECTOR
VISION
SPEECH
DEAF
EMR
LEARNING DISABILITIES
PHYSICALLY DISABLED
HARD OF HEARING
TMR
EMOTIONALLY DISTURBED

Figure II

CATEGORICAL ADMINISTRATIVE ORGANIZATION


HOMEBOUND
HOSPITALS
RESIDENTIAL
DAY SCHOOLS
SPECIAL CLASSES FULL AND PART TIME
RESOURCE SERVICES
TUTORING SERVICES
DIAGNOSIS AND CONSULTATION
LEVELS OF SERVICE
VISION
HEARING
SPEECH
PHYSICALLY HANDICAPPED
MENTAL RETARDATION
LEARNING DISABILITIES
PROGRAM SUPERVISORS

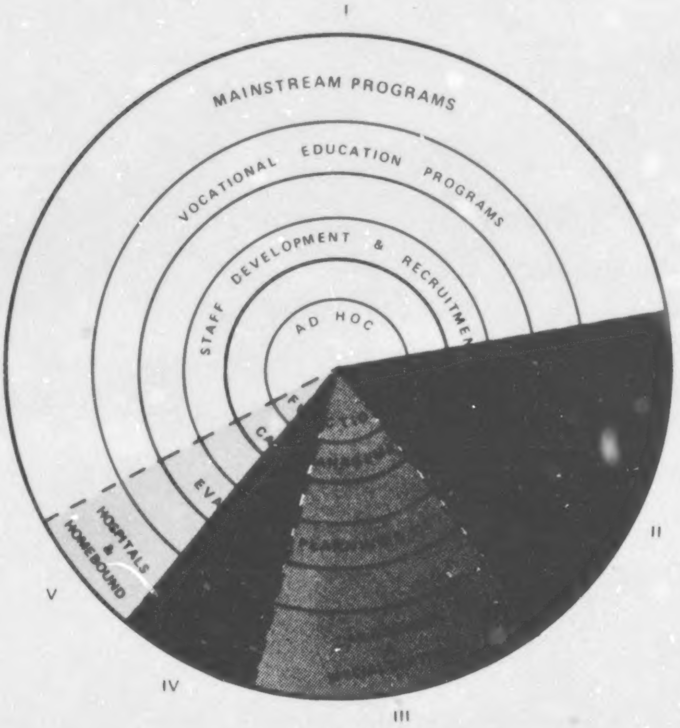
As we move away from this categorical model of supervision it will be necessary to redefine the service delivery programs in more functional or competency based models. Figure III provides one example of how a more functionally defined administrative arrangement might be organized around what could be called a primary systems model. In this organizational model, the major service delivery options are listed in the outer ring of the circle. The dotted lines penetrating to the center of the model signify the parameters of five primary systems (I. Mainstream; II. Special Classes and variations thereof; III. Day Schools and Special Stations; IV. Residential Centers; and V. Hospitals and Homebound Services). Students can move freely between program options as their skills allow, they are not restricted by tightly defined categorical programs. As the model schematically depicts, the major department efforts would be directed toward mainstream programs. (As an example, 70% of our Department's budget is devoted to mainstream efforts.) One feature of this model allows for built-in flexibility for each primary system. Within system five, "special class options," one would expect any number of variations including full- and part-time classes. The specific variations from one special education program to another would be a function of the unique aspects of the special education department and its host school district.

The circles labeled "vocational experience programs," "planning and development," "staff development," in Figure III represent department activities which interface across all the service delivery options. This is another important feature of the model; it encourages, perhaps requires, broad cooperation within programs with the objective of keeping the system open and flexible or keeping it with a "set" for change and adaptation.

Children from all primary system options who need vocational training and experience should be identified and serviced by a program administrated through one office. This approach would be followed throughout so that most professionals currently functioning in disability categories would be responsible for either one or more of the primary instructional systems or one or more of the support systems. The support systems included in the model shown here are: (1) vocational educational programs, (2) evaluation, planning and development, (3) staff development and recruitment, (4) case management functions, and (5) other support systems such as parent and community programs, federal and state projects, and instructional media and materials. Each of these functions are included in the inner rings of the model as they all have implications for the operation of the five primary systems.

In the center of the primary system's model are the ad hoc function of the unit. These are the functions within the division which make use of specialists in education, they make use of task forces and what Bogue calls the disposable structures within an organization. (1971)

Figure III
Primary Systems Model


I
MAINSTREAM PROGRAMS
VOCATIONAL EDUCATION PROGRAMS
STAFF DEVELOPMENT & RECRUITMEN
AD HOC
F
CA
EVA
HOSPITALS & HOMEBOUND
II
III
IV
V

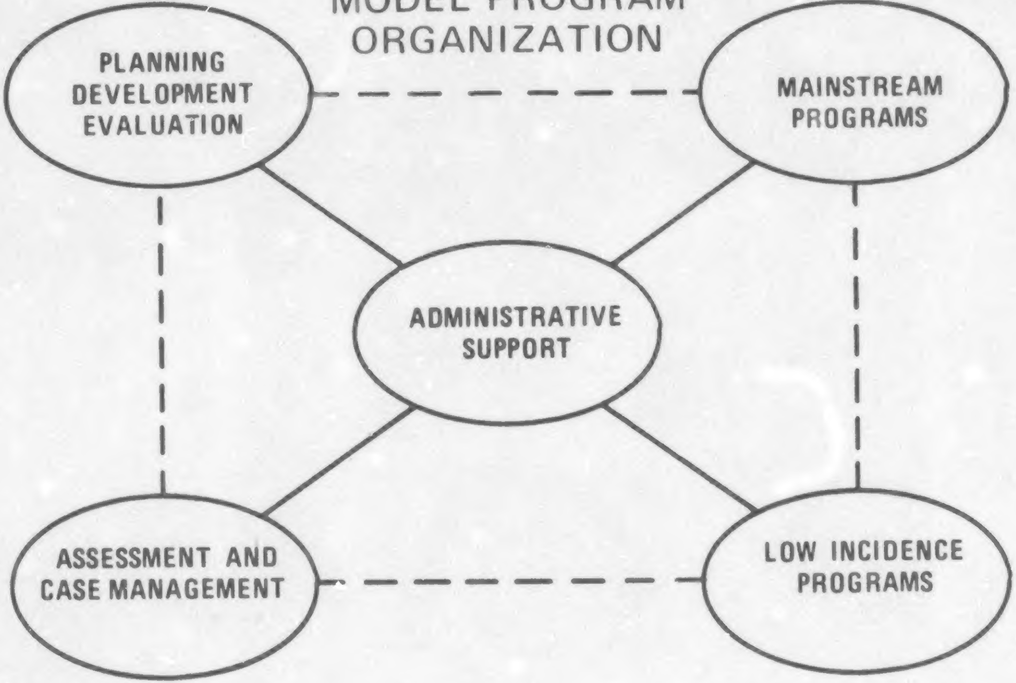
Examples of these disposable structures might be innovative program delivery systems such as prescriptive instruction and demonstration centers, prototype decategorized service delivery models, model infant care programs for school-aged mothers, and curriculum development teams for "affective" education programs. Such functions within an organization rely heavily on the specialists who may come into an organization to assist the program managers in the development of new service options. When the program has been integrated into the organization and the local managers have grasped its essential operation, the specialist may move out of the organization or stay in the organization but move to another ad hoc task.

In terms of the administrative structure for an organization such as this, the major emphasis would be on elasticity. One such model is shown in Figure IV. Program managers would have major responsibility for the operation of the four functional areas: (1) mainstream programs; (2) low incidence programs; (3) assessment and case management; and (4) planning and development. Within this model, disability specialists would be responsible for the highly technical programs such as are required for profoundly deaf or seriously emotionally disturbed children. Notice that no herarchy exists between or among program managers or program specialists. With no hierarchy, the organization can remain fluid. The probability of special education administrators locking themselves into rigidly defined roles lessons, the options for moving specialists around in the organization increase and hence the ability to use the strengths of individual administrators are greater with this model.

This model is offered more as a guideline and less as a specific system for organizing a special education program. The uniqueness of each district in terms of demographic, political and financial consideration will condition any move to accomplish substantive administrative reorganization. What is being suggested in this discussion is that movements to develop intercategorical programs within special education should focus necessarily on the critical variables of student and teacher but the foundation for this activity is the conceptualization and then implementation of an administrative structure which compliments, indeed leads, this basic restructuring process.

Figure IV

MODEL PROGRAM
ORGANIZATION


PLANNING
DEVELOPMENT
EVALUATION
MAINSTREAM
PROGRAMS
ADMINISTRATIVE
SUPPORT
ASSESSMENT AND
CASE MANAGEMENT
LOW INCIDENCE
PROGRAMS

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part IV

current decategorized organizational systems - perspectives on state departments, public schools, and college and university training programs

CURRENT DECATEGORIZED ORGANIZATIONAL SYSTEMS: LOCAL PUBLIC SCHOOL

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Background Factors

This paper will describe some of the efforts of a relatively new Department of Special Education in a large metropolitan area, the nation's capital, to decategorize its organizational structure for the benefit of exceptional children. It is simultaneously a teaching process, an attempt at participative decision-making, and a radical process of program expansion. The District of Columbia, Department of Special Education, was formally organized a little over six years ago within a school system of 150,000 children, over 200 administrative units, and a budget of $146 million dollars.

It is one of the most complex and bureaucratic organizations I have ever experienced for the following reasons:

a. The District of Columbia remains without home rule; its officials are appointed by the President.

b. The Board of Education is the only elected body serving the District.

c. The budget of the public schools comes directly from Congress through its committee structure.

There are numerous other factors which make an attempt at change (i.e., non-categorical organizational efforts) extremely difficult; however, they are best described within the substance of the paper.

The Department of Special Education had a FY 1971 budget of $6 million with an increase to $7.5 million in FY 1972. (Note: At the time the conference was held, FY 1972 was five months old and the schools were still operating on a continuing resolution based upon FY 1971 allocations.) The Department currently serves about 8,500 "handicapped" children. There are about 6,300 students in supportive services, 1,000 students in special classes, and about 800 in special schools for the physically handicapped, crippled, or trainable mentally retarded. A new school for trainable children opened this year. It was the only new construction in over ten years. Most of the students now served are "diagnosed" by the Department of Pupil Personnel Services. The diagnosis is conventional, and there is some suggestion of systematic mis-diagnosis and over-diagnosis of black and poor students who constitute the majority of our target group. Most of the services now offered are unevaluated, and there are reports of large numbers of children unserved.

The overall plight of handicapped children in Washington is tragic. There are extensive waiting lists, a substantial number of hidden children, few trained administrators (including myself); and until last year certification for teaching in special education was achieved with only six hours of course work. There is no public college or university training program offering a full sequence in any area of special education.

This overview sets the stage for our efforts at reform in the District. In the remainder of the paper, a philosophy of our efforts will be discussed and an implementation process will be described.

Non-Categorical Philosophy

We believe quite firmly that shared decision-making is fundamental to a new organizational structure for special education in the District of Columbia. This includes moving away from the "one man at the top" method of operating into a posture of teamwork at each and every level of decision-making. This includes separating the category "special education" from the rest of the instructional program within the school system.

Non-categorical thinking in a large urban system is brought about only when all interests – the community, the Board of Education, the central administration, the field management, and the teacher – have a share in the decisions which affect them and their civic and professional performance. I am particularly involved by virtue of my position as an associate superintendent and as a member of the executive council of the entire school system. We are attempting to build a team whereby each policy, fiscal matter, or new program, is discussed and understood by all; and concensus is built rather than isolated empires. Particularly important is the notion that special education is a part of the variety of instructional programs offered to District of Columbia students. The achievement of this approach, subtle as it is, must be the heart of any executive decision-making for non-categorical organizational efforts.

The goal of our efforts in Washington is quality education for children; at this point special education expansion is priority two of the superintendent's operational tasks for the year. We were able to raise special education to this point in the entire school district set of objectives between July and November. Special education has a high priority in the mayor's budget for next year, and a separate issue analysis of special education in the District is in progress. The major task we have set for this year is increased services for all children with the firm belief that quality special educational programming will improve instructional efforts throughout the system. While an expansion of special education is imminent, we recognize that it must be toward bringing "services" to the students rather than students to special classes. It is the policy of the Board that, among the various alternatives available, regular class with supportive services is the preferred special education program for our students. It is the intent of the D.C. Department of Special Education to implement that policy and to decategorize the programs now operating. The first stage was to achieve organizational and executive non-categorical thinking within the system while attempting to maintain organizational stability and to initiate a staff development effort for all involved.

Movement From Old to New: Problems and Issues

There are certain problems which must be attacked before moving from the old system of categorical programming. First is the emotionalized system of education and the political system of education. In the political system of education you get service for your child if you know somebody. In the emotional system we said, "Let's serve those children who have the most severe kinds of problems, like the blind and deaf." The problem of change is our communication of terms and concepts to the public and various interest groups. When we talk to various legislators, we have to talk in terms of amount of services going to blind children, so much service for deaf children, so many teachers for this group or that group. Special interest group thinking is still predominant. We want Washington to move to a system which builds upon performance competencies and which builds upon the idea found in the Deno cascade model or the Maryland continuing services model. Public education is a critical issue in non-categorical programming efforts.

The unusual and interesting problem that we found in the D.C. school system is that we have to re-educate most of the staff, even the superintendent and executive staff, up to a proper categorical level before we can decategorize. People in key positions still commonly operate on such concepts as "idiot," "imbecile," and "bad behavior." More surprising is that a process of re-education is also necessary for our own special education staff. Teachers who have been teachers of trainable retarded children for 18 years in a large school system do not move to non-categorical programming simply by a decree from above. It requires an intense training effort from top to bottom.

A second major problem in moving from old to new is the unique cultural, social, and psychological factors in Washington. There is the identification problem compounded by poverty, including the use of intelligence tests and projective techniques as methods of class re-segregation and the use of psychiatry as a method of oppression in a predominately black population. Classifying kids as exceptional in Washington has meant that they were excluded from the system. This is not simply a racial phenomenon because in Washington the administration is 99 percent black and the teaching staff, more than 70 percent black. We note, with interest, the exclusion through special education transcends racism and is well ingrained.

A major issue is our meager knowledge about the effects of poverty and oppression on the learning styles of children. The fact that we know very little about the results of poor nutrition, floating lead, and air pollution on child growth and development must be considered. When we know what we must teach children who grow up in one-parent families, who are forced to live in crowded and dilapidated housing, and who develop self concepts within welfare guidelines, then the question of categorical or non-categorical programming is moot. The issue, of course, is our failure to deal with factors of the environment which affect people before we classify them as exceptional.

A third problem is the issue of black awareness in a population which is 99 percent Afro-American. The recent awareness of socio-cultural groups and the increasing awareness by pupils of their social identity is an important factor. A program of consciousness raising has to be mounted to deal with communication with cultural, social, and psychological factors.

A fourth issue which is particularly important to delivering a performance-based system of education in any school system is the history of the school system. Washington was once a segregated school system, and unequal education was the order of the day. Division A got all the goods, and Division B got what was left. When the 1954 Supreme Court decision came along, Division A and B were put together by court order; but little was done to deal with attitudes that existed about people. There are attitudes that exist in segregated and formerly segregated schools about people. Whether or not certain groups are inferior and others superior has been inculcated in the minds of a lot of educators, and these notions influence educational practices in more ways than we care to admit.

Fifth, we have a concern with the management practices which have to support education in Washington. For instance, two years ago mail was only delivered to the schools once a week. One must understand that an agreed upon description of services within non-categorical systems in special education might not even get out to the people on the line but once a week. For instance, the telephone system in the schools was built so that calls to the office next door require the caller to dial all of the numbers. These kinds of problems contribute to the difficulty and have a great deal to do with how you deliver a new service in a large urban system.

Sixth, there are special political factors. Washington is a voteless city; and, while other cities can talk about the state legislature, the bodies who allocate money for Washington schools are the United States Senate and the House of Representatives. When we talk about the monies we need, we talk directly to Representatives and Senators from the various states. This means that the process of influence about special education programming takes on a "national non-resident" character as opposed to the more regional notions which characterize state legislators and state-wide special education programs.

A seventh issue is the law. In Washington, legal decisions have been influential within the educational system like nowhere else. **Hobson vs. Hansen,** the 1967 tracking decision, virtually prohibited the so-called EMR program long before other school systems became aware of the problem. The second **Hobson** decision required the equalization of elementary schools expenditures within 5 percent of the city's mean expenditure. In the legal sense, we have equal opportunity. A third court case coming up is **Mills vs. District of Columbia,** another rather important one. After four months (and after being an advocate, as many of you will know, against categorization, against exclusion and against labeling), I find myself being sued for excluding children from school. The **Mills** suit will have nationwide impact because it will require due process.

The above issues and problems must be addressed. There is a viable matrix for change and a newly formed base for decategorization, but we must respect tradition and the good which the past has developed. Movement from old to new requires careful attention to issue resolution and problem solution as essential parts of the new organizational goals.

First Steps Toward Change

We have felt that a performance-based system requires a good deal of systematic analysis of data, establishment of behavioral objectives, and careful cost accounting. We have entered into a management procedure called "issue analysis", the result of a District of Columbia government policy for all agencies, including the school system. Special training sessions have been set up for key department heads to learn the technique and apply it to specific problems. The Department of Special Education's issue is: "What is the extent of need, and what are the range and mix of alternatives available for providing special education services to children with handicaps?"

Basically, issue analysis provides a systematic procedure whereby budget decisions can be based upon a written program statement including the establishment of a desired output, formulation of performance objectives, data collection, procedures and time and cost factors.

We intend to analyze the various departmental issues and collect specific data. We're asking for a program statement for every area and unit within the Special Education Department. Each program staff member is asked to establish performance objectives, a set of action statements, to estimate time and cost factors, to plan evaluation criteria, and to do three additional things. One of them is to use an activity planning sheet, which notes who is going to do what, when and where; a second is the responsibility chart, so that we can pinpoint who is going to be responsible for each activity; and a third is a problem analysis form which helps us determine the kinds of issues likely to arise in the future. The entire notion is grounded in the process of identifying, reviewing, selecting, and analyzing issues as a primary vehicle for budget consideration.

A second step toward change was that of defining functions which the department must carry out and then organizing administratively for efficient use of people who carry out those functions. At the heart of our administrative structure is the philosophy of non-categorical and performance-based programs, using a performance teaching assessment model. Within this model we put the parts together so that they fit into a system of interlocking counterparts, each of which depends upon the other and none of which can operate without the other. For instance, without good identification and psycho-educational assessment we cannot have good placement, and behavioral objectives for each child in the system depend upon the strength of the placement. Budget and fiscal management are important to placement. Instruction and attitude on the part of each teacher is important. Personalized supervision and staff development are included, as well as what is possibly the hardest part of our whole effort in Washington — innovation, development and evaluation. A functional administrative structure is a key, we feel, toward effective delivery of new services.

There are areas of change which are within our immediate span of control. Program development, supervision, and staff development are the areas we can influence best. To accomplish these we've gone completely non-categorical and established what we call "development teams", which consist of teachers assigned to work with other teachers or a principal. Each team has three permanent staff: one who understands behavior very well and can talk with a teacher about behavior of children, another who knows curriculum and methods very well and can help a teacher with curriculum and methods, even braille, and a team leader who knows interpersonal relationships very well and can manage the input and innovation the team would bring to a particular classroom. Definition and implementation of new roles are important steps toward decategorization.

A third part of our effort in Washington is an important part of any performance-based system: getting together to talk about the goals and objectives of our non-categorical effort. We moved to a participant decision-making model, mainly through a group called the Special Education Administrative Council. The objectives of the Council are to regularly draw together key administrative members of a large department, to provide a constant source of advice and counsel, to maintain a procedure for assessment, to assist in identifying problems and determining solutions to problems, and to serve as a catalyst for diffusion of innovations. This group serves as a primary administrative body for coordination, fixation of responsibility, and for consideration of new programs. I serve on that body, convene it, and am able to appoint one person to it. The Director of Special Education serves on that body and appoints one person, one administrator is elected by the principals, and all four area coordinators serve. The important part of this participant decision-making model is that, when we meet as the Council, every person meets as an equal with an equal vote, and programs go forth based upon the support and encouragement of the Council rather than the order and the direction of the top person. In determination of goals and priorities we want to have maximum participation and responsibility. We are well into this first stage of people participating in the process which affects them.

New Types of Non-Categorical Special Education Services

I would now like to describe three or four services we've established out of the Deno cascade model. I feel that we have an obligation to provide some special educational services at the first level of programming on the Deno model. We may not be responsible for all the children there, but we do have some obligations. Our responsibility seems to fall into the first level and below.

Our present effort at the first level of the cascade is a staff development effort, starting with those people who are closest to us and moving out into the system. The particular program we're working on with our staff is in team motivation training, and the reason for this is my firm belief that we have to adopt a system that does not continue to teach all the negative things about human behavior, as we did in the University, but which teaches positive things. We find that McClellen and Altschuler and people from the Albany Center of the Humanistic Studies have a program (NACH) which should help us reduce differences. Our senior administrative staff have been through the staff development program, emphasizing the need for achievement, the need for affiliation, and the need for power; and a general self concept enhancement program rather than the negative factors of disability and handicap. This new thinking is important to our entire charge to reform special educational services.

A second effort is with elementary principals. When I found that principals met as groups, we decided to organize Principal's Core Groups. I meet with one group of principals regularly, and each of the other senior administrators in special education meet with other on-going groups. These groups are established to assist intact groups of key principals to adapt their local school programs to provide services to exceptional children. The group meets regularly and provides principals with an exposure to both special educational services and to our philosophy. It offers seminars in general problem areas, assists principals in completing assessments of their schools, and provides individual help to those principals who want to have exceptional children in the regular school. We hope to effect change where it can best come about. The local school principal, no matter what anybody says, is the boss of the school; and anything that goes into the school is influenced there.

A third effort is a notion called the School Action Team. We have attempted to create in individual schools a non-administrative, multi-problem solving group which meets regularly and deals with discipline. Discipline means disruptive, emotionally disturbed and learning disordered children if you want to call them that; we began to work with teachers by putting in a number of our staff members in the individual School Action Team. We are trying to deal with problems in the school before they get to the point of testing our exclusion mechanisms.

So that's our first line effort: to provide assistance to local schools through staff development of our own, principal's core groups, and School Action Teams.

On the second level we formed what we call Diagnostic-Mobile Teams by pulling out our most qualified and trained special education teachers, putting them into a training program, having them do a program statement, and now offering a city-wide service to exceptional children in regular classrooms. Each team consists of three diagnostic-prescriptive teachers who provide a special educational prescription for pupils in regular classes who are on the waiting list for special education. While they're in a given school they will take, upon the recommendation of the principal, any child who seems to be causing 80 percent of the problems in that school. The teams travel in trucks equipped with diagnostic learning devices; they can hook up to a school, have their own office, make the necessary educational assessment, avoiding I.Q. tests and labeling, program a child into the school, and provide the support for him right there and then in his own classroom.

Another service effort toward decategorization is a program of learning centers, piloted this past summer and operated mainly under Title I. The learning center approach is designed to provide supplementary services in four areas: there is a language classroom, a math classroom, a perception classroom, and a body movement classroom. Teachers and aides remain in the classroom of their area of capability, and the children move from class to class undifferentiated by handicap label taking advantage of any course offerings and spending additional hours where personal needs are greatest. Conventional test data from each pilot program showed marked improvement so we now have sixteen of these classroom settings, using Project Life, language, math, perception, and this new area of body movement in each learning center. They are the essence of non-categorical programs, and we will continue to add more and more part-time special educational services based on these classroom clusters.

The fourth program, which we are seeking is a result of attending a seminar on performance teaching and assessment and the use of behavioral objectives. This program for hyper-aggressive children is still in the paperwork stage. We have to do something about that group of children whom we recognize as having either "behavioral disorders" or "emotional disturbances"; we choose to break it down to behavior. We're in the process now of planning a city-wide program with three facets; one of them a camping program for children who create problems of aggression and violence in the schools; second, therapeutic re-education centers for children who are intensely hyper-aggressive; and third, an affective education program which emphasizes building positive feelings and emotions and which is looking toward using the positive peer culture program.

We have made some progress, but there is a long way to go in delivering new services to children. I think our movement toward non-categorical programming is important for the sake of the children.

I might further summarize by stating that the most important effort that we found necessary to make was to be especially aware of the communication process between people. Bridging the gap between the old and the new, or between traditional and not traditional, but moving toward what is effective and what can be evaluated are keys to success.

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CURRENT DECATEGORIZED ORGANIZATIONAL SYSTEMS – STATE EDUCATION AGENCY

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This paper is based on the experience and study in the State of Texas. The delivery system we are trying to implement seems most feasible for us at this time and under present circumstances and should not be construed to detract, contradict or conflict with efforts being made in other state departments of education.

Our nation guarantees education for all children. This concept is based on the fundamental belief of the pursuit of freedom, justice, and happiness.

Since public education is not mentioned in the Federal Constitution, this responsibility is delegated to the states. Therefore, each state has the basic responsibility of establishing and operating a system of free public education for all children. The federal government and the federal courts serve as a "watchdog" in fulfilling the guarantees for each citizen.

It is in this legal context that special services for exceptional children have emerged in fulfilling educational services to each child.

Special education in Texas, and in many other states, really came into being after 1945. Legislation and programs for the most part were parent and politically motivated. In 1969 the major part of our Texas legislative authority was recodified and rewriteen, enabling comprehensive educational programs for exceptional children to be conceptualized and developed.

In attempting to establish a comprehensive delivery system of educational services for exceptional children ages 3-21, the State Board of Education, the State Commissioner of Education, and the State Department of Education established five basic commitments and intents for a statewide comprehensive special education program. They are in summary: one, the fundamental belief that each child is entitled to a free public education, regardless of ability or disability; two, all efforts in educating handicapped children shall be through the system of free public education as established by the State Legislature (special education being a part of – not apart from); three, the local school district has the basic responsibility for providing education to each child in that district, and the State Department of Education will assist in whatever manner feasible; four, the system of regional education service centers has a definite responsibility in assisting in the statewide effort of providing comprehensive educational services for exceptional children; five, the schools, the service centers, and the state have a responsibility to the parents of handicapped children in helping them understand handicapping conditions of children and the special education process that is implemented to serve their children.

Based upon these commitments and intents we have begun by trying to establish in 1976 a comprehensive educational program on a statewide basis for exceptional children between the ages of 3 and 21.

Our law specifies four broad categories of handicapping conditions. They are:

1. physically handicapped

2. mentally retarded

3. emotionally disturbed

4. language and/or learning disabilities

We are legally responsible for identifying children by handicapping conditions. This, however, pertains only to administrative and statistical needs and requirements.

To us, the significant key to educational programming for any child is, "What are his educational needs, and what kind of delivery system is needed to meet those needs?" All school districts are required to do five year special education planning with an annual evaluation report. This involves looking at needs, resources, establishing priorities, matching needs to resources in a priority framework, implementation of activities, evaluation, and replanning. School districts have the maximum degree of flexibility in planning and utilizing resources.

A school district implementing a comprehensive program has two basic responsibilities. It must (1) serve each child in the district, and (2) as a result of a comprehensive program for exceptional children, show education improvement in the total public school structure.

Since education is the name of the game, we are trying to develop the broadest possible use of special education instructional personnel in working with exceptional children. We have identified eleven different instructional arrangements.

In addition to the different instructional arrangements, we strongly encourage differential staffing patterns. This is permitted both by law, policy, and accreditation standards.

Further, the state allocates funds for teacher aides to assist in the classroom or total education program.

Since the name of the game is education, we must make the major thrust here; there is also the need and provision for other supportive sub-systems. In addition to allocations for teachers and teacher aides, there are allocations for supportive professional personnel in six categories. There are special education (1) supervisors, (2) counselors, (3) visiting teachers or social workers, (4) educational diagnosticians, (5) psychologists, and (6) associate psychologists.

In addition to personnel allocations we have monetary allocations for additional appraisal services, special materials and media, consultative services, including planning and evaluation, special transportation, special seats and electronic communication equipment for homebound pupils, and contract services with approved community or private services.

Some of the sub-systems that are being developed to support the educational system or the teacher are:

1. A very "fluid" appraisal process, which looks at educational planning and educational needs which is tied in to . . .

2. a very complete and up-to-date materials delivery system. Equally important are the sub-systems for . . .

3. guidance and counseling for the pupil, and working with parents.

4. Utilization of community resources

5. special transportation, and . . .

6. a very viable system of long-range planning and effective evaluation.

In a state like Texas where we have had so few services for exceptional children, we could never before develop a state-wide program in six years with only the resources of the State Department of Education. Therefore, our system of regional education service centers must play a big part. They have the following responsibilities:

1. To develop capabilities for regional and local planning and evaluation efforts.

2. To serve as the vehicle for a state-wide special education instructional materials delivery system or network, reaching each special education leader.

3. To assist local schools in a "fluid" pupil appraisal system.

4. To identify and coordinate regional resources for exceptional children.

5. To assist with inservice training and retraining programs, and

6. To initiate and implement new or different delivery system models or innovative programs and projects.

The role of the State Department in such a program must also change. The role must become one of leadership first and regulation second. The leadership role must include: (I) planning and evaluation capabilities, (2) consultant services, (3) development and implementation of policies and regulations (state policies can be written in a leadership manner) and (4) formulas for allocating resources which permit flexibility.

In attempting to look anew at resource allocation, we use a very broad base of 3,000 total ADA for an entitlement of 20 special education teachers, 7 aides, 3 supportive professionals, plus other monetary allocations.

The regulatory function of the State Department becomes one of monitoring and assisting the school to evaluate its own weaknesses and strengths.

The important thing is that each child is served!

With reference to the topic of "Current Decategorized Organizational Systems for Special Education" – it is my opinion that this is strictly an academic question. The issue is not "categorical" versus "non-categorical" delivery systems but rather a committment to assure that each child is provided a free public education and that each child's educational needs are met by the most effective and efficient delivery system possible.

In moving to a comprehensive educational program for all children, which includes each exceptional child, not only is there a need to change the delivery system for educational services, but equally important is the need for change of teacher training program at the pre-service level, graduate level, and inservice level for all public school personnel and university personnel in teacher training. In closing, I record this as an issue which needs extensive discussion and careful review by all professionals interested in quality of service for handicapped children.

CURRENT DECATEGORIZED ORGANIZATIONAL SYSTEMS: UNIVERSITY

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The present emphasis on decategorized organizational systems for delivering special education services was brought about in part by:

1. culturally biased diagnostic instruments which resulted in inappropriate diagnosis and placement of children in categorized services systems,

2. the realization that the effects of "labeling" a child may frequently be more debilitating than the actual diagnosed handicap,

3. the legality of some categorized services now being questioned in the courts, and

4. efficacy studies of special class programs which at best have yielded equivocal results.

Whatever the reason for the present emphasis on decategorized services, special education administrators are being challenged to devise, develop, and implement new and more effective special services along these lines. To meet this challenge, teachers and administrators will undoubtedly experience a number of role changes challenging universities to provide them with newly required skills through inservice and preservice training.

It is my responsibility to review the effect of decategorized delivery systems on university training programs. I will first address some general changes in the special education teacher training program at the University of Kansas and then relate more specifically to our views of the special education administration training program.

Special Education Training at the University of Kansas

Changes in teacher training programs should be facilitated by the concept of "block funding" recently adopted by staff of the

U.S.O.E. Bureau of the Education for the Handicapped, Division of Training Programs. This plan simply awards the training institution a "block" of funds for training special education personnel rather than awarding specified amounts for each of the categorical areas. "Block funding" was offered as an option to the University of Kansas and a few other universities for the current year and will be extended to most, if not all, participating training institutions for the 1972-73 academic year. Block funding has allowed Kansas to approach the problem of teacher education in broader, more diverse ways, enabling it to deploy federal resources in ways that will produce maximum results. It should produce results in the form of an increase in the quantity of people served as well as quality of the services being offered. Consistent with the current emphasis on "accountability," a component of evaluation is also required in each of the block applications.

At the University of Kansas categorical references to exceptional children have not been eliminated but have been de-emphasized by recognition of an emphasis on substantive generic instructional competencies necessary to education of all areas of exceptionality. The program, conceived by Dr. Richard Whelan, is viewed as one of training individuals to provide children facilitative educational programs instead of being "special" education training. These programs are devised to train teachers to provide functional systems and services for pupils who have not progressed as anticipated in areas of academic, social, or behavior development within the learning environment to which they have been assigned. Five areas (see Figure 1) provide a base for the development of generic competencies. These are

1. preparation of learning environments and organization of educational service delivery systems,

2. preparation and presentation of instructional methods, media and materials,

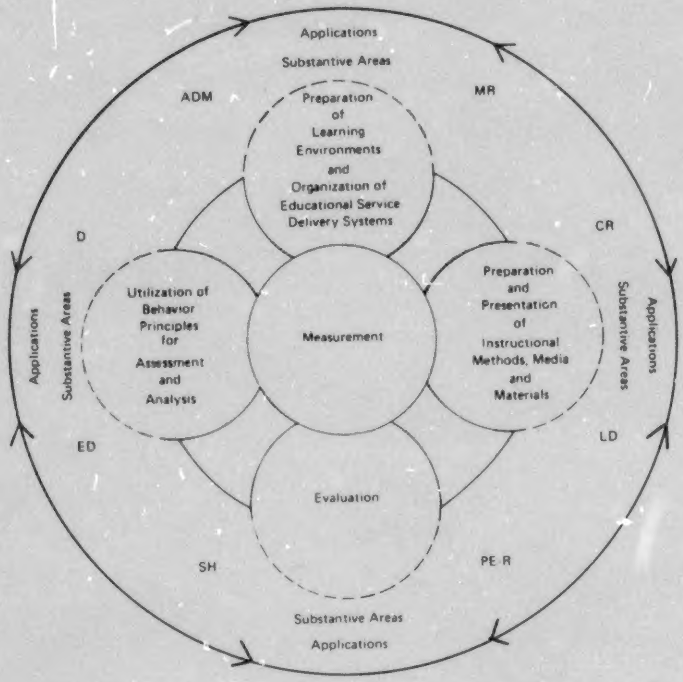
3. utilization of behavior principles for assessment and analysis,

4. measurement, and

5. evaluation.

Following training in these areas, functional application of these competencies may involve extended practice in one or more of the traditional categorical areas. Although the special education faculty at the University of Kansas are still assigned to various categorized

Figure I
Schematic Which Illustrates Functional Relationships Between and Among Generic Competencies, General and Specific Area of Substantive Knowledge, and Concurrent Applications to Children, Parents, Self, and Others


Applications
Substantive Areas
ADM
MR
Preparation of Learning Environments and Organization of Educational Service Delivery Systems
D
CR
Utilization of Behavior Principles for Assessment and Analysis
Measurement
Preparation and Presentation of Instructional Methods, Media and Materials
Applications
Substantive Areas
Substantive Areas
Applications
ED
LD
Evaluation
SH
PE-R
Substantive Areas
Applications

areas such as mental retardation, emotionally disturbed and learning disabilities, consideration is being given to a re-alignment according to the various generic competencies mentioned above.

Special Education Administration Training Programs

Both content and instruction methods used in training special education administrators should change rapidly over the next few years. Some practices are already changing, such as

1. the increased use of simulation techniques, such as the SEATS game (Sage, 1968),

2. team practicum assignments which send a special educator, a regular educator, and sometimes a measurement person to the same practicum site for training,

3. familiarization with the computer and its application in school administration, and

4. learning to plan through the use of systems analysis.

There are others, of course, but the four mentioned above are seen as the major changes which will appear in most administration training programs during the next four years. The fourth, **systems analysis**, may be most crucial in the development of new and innovative organizational patterns for delivering services to exceptional children.

The use of systems analysis by a variety of specialists has resulted in a number of definitions of systems analysis and a variety of strategies for using the technique. In all definitions, however, the aim of systems analysis is the selection, through design, of the best possible strategy to use in the achievement of stated objectives. A systems approach to planning allows, if not forces, the administrator to direct his concern to the output of his program. An example of such an output might be the development of vocational skills in a child who has demonstrated limited physical or intellectual abilities. After determining the desired output for each student, the administrator would then develop the alternative "inputs" and "throughputs" that would lead to that "output" or terminal behavior objective. Built into this systems model of program development would be procedures for monitoring all phases of the program to provide feedback information regarding the efficacy of the inputs and throughputs in meeting the objectives of the output. Learning to plan systematically should be a large part of the "basic training" of the special education administrator. Following an introduction into the basics of systems analysis, the training should focus on the application of one systems approach to a variety of administrative tasks. Three areas needing a systematic approach seen as critical areas of competence for a special education administrator are

1. alternative educational programs for exceptional children,
2. multiple, innovative, evaluation systems, and
3. new models for inservice education.

Alternative Educational Programs for Exceptional Children

Decategorized organizational programs do not necessarily call for the elimination of the special class -- but instead require the development of new alternatives for facilitating the education and adjustment of exceptional children. Traditional special education models can be referred to as "test out" models. In this model, a child is given some kind of diagnostic test. Though some alternative services for exceptional children will undoubtedly develop from the traditional "test out" model, it is likely that an entirely new model can provide more and perhaps better alternatives. One possibility is the development of a "teach out" model, within which the regular teacher would receive help in altering the educational environment for a child, and the child's responses to the alteration would be carefully measured. This process would be continued until the teacher and the psychologist or itinerant person assisting the teacher had literally exhausted all possible alternatives for "teaching" the child in the regular class. Only then could some kind of outside tutorial (or special class) arrangement be made. Dr. Virginia Brown, University of Minnesota at Duluth, is developing some very interesting procedures based on this model. Her in-training students provide tutorial services to the pupil only as the last resort. Instead, their training allows them to observe the pupil in the classroom and make recommendations directed to modifying the classroom environment and the materials or the methods used by the regular teacher. Only after a child fails to respond to a number of changes in instructional strategies within the regular classroom is the pupil provided a different educational service. The "teach out" model offers a number of alternatives for directors of special education to plan a continuum of specific services for exceptional children based only on the specific needs of the pupil and the characteristics of existing services in their school district. Deno's (1970) Cascade of Services and Adamson's Fail-Save Model (1972) are examples of other theoretical models which provide a continuum of services for exceptional children. Both of these hold much promise for special education programming if implemented by careful, systematic planning.

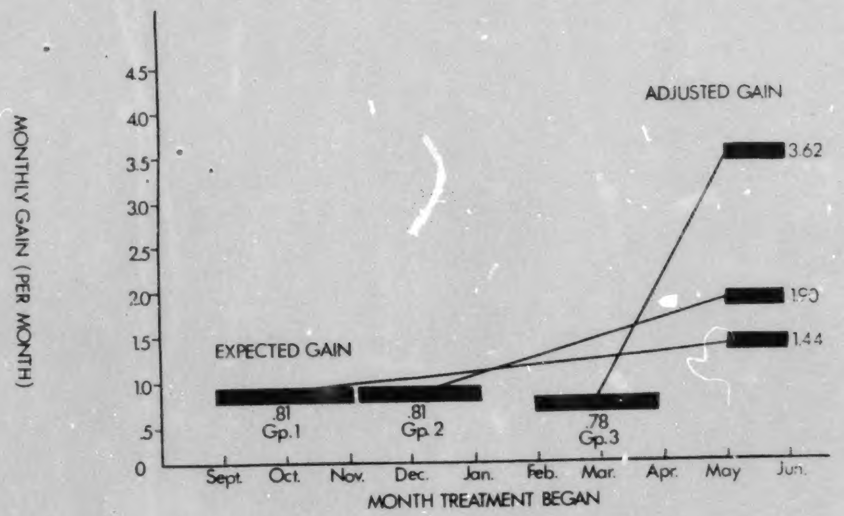
Program Evaluation

The requirement for program evaluation inherent in today's "accountable" society makes this area of planning most important for special education administrators. The traditional training model for developing evaluation skills in administrators usually involves coursework in statistics and research design. The latter is usually limited to designs of a "control" and "experimental" nature. These techniques are not always practical for the administrator interested in program development.

When the administrator applies systems analysis to his program evaluation, he may discover that he must evaluate for a variety of audiences – parents, the school board, the superintendent, a research committee, or the state department of public instruction. An important consideration in program evaluation is that we take into account the audience(s) for whom it is intended and evaluate in a variety of ways. For some purposes, parent or student testimonial can serve as a form of evaluation. Samples of actual student behavior can also provide a very meaningful index of student change. Samples, taken periodically, of handwriting or arithmetic papers are common examples of this kind of evaluation. A change in oral reading behavior can easily be demonstrated through the use of cassette tapes. A one minute oral reading sample recorded each week on a cassette tape would take but a few minutes to review and could provide excellent documentation for program effectiveness. Ogden Lindsley of the University of Kansas has also suggested that the use of 8mm film is both practical and inexpensive for evaluating some aspects of a student's progress. Progress in such activities as railwalking or perceptual motor training could be evaluated on a long term basis by taking one minute film samples periodically with each student having his own film. Lindsley feels that this might be a meaningful way of reporting to parents. Every six weeks the child's parents would check out the projector and cassette record and take his child's film and cassette pack home to consider almost firsthand the child's progress in reading or other skills.

Sometimes more formal evaluation procedures are needed for justifying federally funded projects or reporting program effectiveness to community groups or the administration. Since control and experimental groups are not always possible for the practicing special education administrator, much creative thought and effort needs to be given to ways of conducting formal program evaluations through other than the traditional methods.

Figure II
Expected and Adjusted Achievement Gain Scores
for Three Groups of L.D. Students



The following data were provided to me by Cedric Benson, director of Oak Park, Illinois, Special Educational Cooperative, where some 98 learning disabled children received itinerant services during the 1969-1970 school year. The data provided to me during the fall of 1971 included information such as the child's grade level, his age at testing, pre and post-test scores on the *Wide Range Achievement Tests* (reading, spelling, and arithmetic) and pre and post test oral and silent reading scores from the *Durrell Test of Reading*. Without the opportunity to participate in the experimental design or to make suggestions regarding the kind of data needed, we accepted the challenge of attempting to evaluate the program and looked for alternate ways to evaluate the program through the data provided. The method finally selected was a modified multiple baseline technique (Baer, Wolf, and Risley, 1968; Hall, et al, 1970). The multiple baseline design usually involves the use of data derived from direct observation of subjects and is generally limited (though this is not required) to single subject designs. The present design differed in that it was applied to **groups** of subjects and used baseline data derived from **standardized test scores**.

Pre-test scores of the 98 subjects identified as children exhibiting learning disabilities were ranked according to the date of initial testing. One or more scores of the various pre- and post-tests was missing for 18 subjects who consequently were not included in the present analysis. The remaining scores were grouped into three treatment periods. Group I (N-26) was identified and began receiving services in October or November, 1969. Group II (N-28) was identified and began receiving services in December, 1969, or January, 1970; and Group III (N-26) was identified and received services during March and April, 1970. Their baseline or expected performance was determined by dividing the current grade level of each child into his pre-test achievement score. For example, a sixth grade child tested during December (6.4) who achieved a pre-test score of 4.2 on the oral reading section of the Durrell Test of Reading Analysis was assigned an expected achievement score of .66, as shown below

$$\frac{\text{pre-test grade (4.2)}}{\text{current grade level (6.4)}} = .66 \text{ expected gain.}$$

For each year the subject had been in school he had gained a .66 of a year while his mythical normal counterpart was making a one year gain in each year of school.

All children were retested in May, and the difference between their pre- and post-test scores was considered to be the **actual gain**.

The actual gain was divided by the number of months in treatment to determine each child's monthly rate of gain. Therefore, using the above example, if the child with tested achievement 4.2 in late December is retested at 4.8 in May, his actual gain is 6 months; but since he received service for only 4 months, his adjusted monthly gain is 1.5 (months gained per month.)

Figure 2 provides a graphic representation of the expected gain in relation to the student's adjusted gain. The fact that the mean expected gain of the three groups is essentially the same (.81, .81 and .78, respectively) suggests that the gains as indicated by the May scores are a function of intervention services. That is, the children did not begin to make educational gains until they were provided special instructional services. The thing that is disturbing about this graph is the fact that a shorter length of service results in greater gains per month of service. However, when we look at the pre- and post-test achievement scores in the regular form (Fig. 3), it is apparent that the greater overall gain accrued to the group receiving the longer period of service. Though impossible to determine from the data, it would appear that students are stimulated to make a rapid rate of gain during the early periods of intervention; and then, as itinerant teacher contact diminishes (as it must when new children are added to her caseload), the rate of gain diminishes. While the overall Oak Park program can be considered successful, additional research is needed to determine the critical periods of intensive itinerant teacher service; and meaningful ways of maintaining the newly established gain rates within the regular classroom must be found.

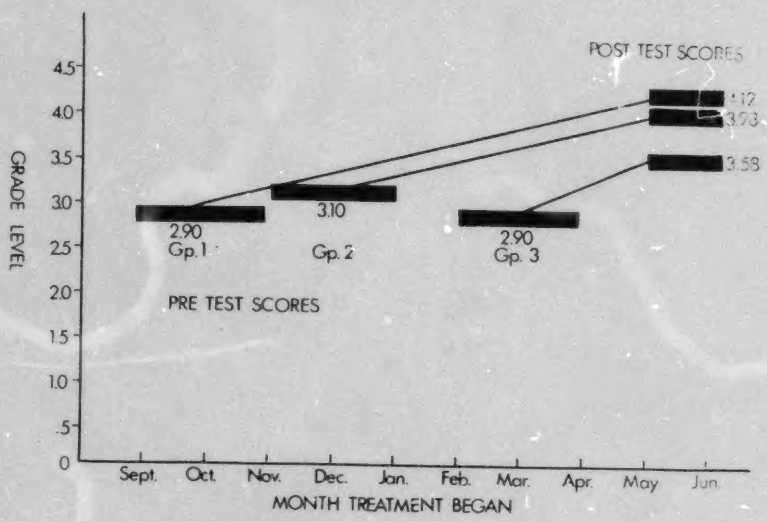
This model is presented as only one alternative for program evaluation, and hopefully it suggests to administrators that there are many more yet unexplored ways of evaluating educational programs.

Development of New Inservice Models

Alternate organizational systems for delivering services to exceptional children will require the development of new inservice models. As teacher roles change, teachers will also need to change their behavior. When teacher aides or other personnel are used, they too will need to be trained for specific functions.

The traditional model for inservice training usually involves obtaining the services of an "expert," having him fly in and talk to the teachers. This has been referred to as a "flying Jesus Model." I prefer to refer to it as the "talkie-walkie" model." This model is

Figure III
Comparison of Pre and Post Test Scores on the W.R.A.T.
(Reading) for Three Groups of L.D. Students



analogous to having a goal of "the prevention of starvation in a hungry man." Our method under the "talkie-walkie" model is to give the man a dollar and walk away. It helps for a little while by delaying starvation briefly but certainly doesn't solve the problem. When teachers or other educational personnel are talked to, they may be inspired to try something new or may be reinforced because an "expert" supports many of the things they are already doing. However, this model usually does not produce significant changes in behavior over any length of time in the individuals participating in the training for it assumes that teachers will change their behavior because they "want to" change or help children. Human behavior unfortunately doesn't allow us to change our behavior simply because "we want to," unless we want to quite badly. Many of us "want to" quit smoking (or cut down on cigarettes), lose weight or arrange our time in such a way that we have more time to be with our families – but wanting to is not enough. There are too many other environmental variables acting upon us that help maintain our sloppy behaviors (whatever they are). Thus, telling someone "how to" does not necessarily produce the behavioral changes required.

New models should probably deal with very specific content, to be designed to meet expressed needs of teachers, and also allow for supervised practice with the new content. For example, if a teacher expresses an interest in the use of DISTAR reading materials and intends to use them in his classroom, the following procedures might be used: The teacher would first be told about the materials. Second, he would be shown how to use them in demonstration. As a third step, he would be allowed to study and use the materials under supervision; and fourth, he would be provided with the materials for use in his classroom. Help in arranging his classroom groups and some supervision as the program is initiated should also be provided. If a concerned teacher can see that these changes result in a significant improvement in his children, then it is reasonable to expect that the change itself will be reinforcing to him; and this reinforcement may provide the motivation for continued use. Assurance of continued use would be further provided if the principal made a point of stopping by, first regularly, and then on an intermittent schedule to comment on the interesting and effective work the teacher was doing with the new DISTAR system.

Maintenance of behavior as described above is too often overlooked in inservice training. We usually assume that we will change and maintain changes in our behavior because of our intrinsic dedication to exceptional children. Unfortunately, other variables such as school plays, lunch money, and our own family prevent us from doing all the things we would like for the children we serve. Attention by the special education administrator to this variable is essential if he expects to get full value from his inservice dollar.

Summary

We have emphasized the need for the special education administrator to develop improved planning behavior through the use of some kind of a systems analysis approach. These planning skills should focus on (1) alternative educational programs for exceptional children, (2) innovative and multiple education evaluation models, and (3) new models for inservice training. Changing our own behavior to become more careful and more systematic in our planning is considerably easier to talk about than to do. I will close by emphasizing the value of this approach with the following fable.

Why System Engineering?

A Fable

Once upon a time there were two pigs (a third one had gone into marketing and disappeared) who were faced with the problem of protecting themselves from a wolf.

One pig was an old-timer in this wolf-fending business, and he saw the problem right away — just build a house strong enough to resist the huffing and puffing he had experienced before. So, the first pig built his wolf-resistant house right away out of genuine, reliable lath and plaster.

The second pig was green at this wolf business, but he was thoughtful. He decided that he would analyze the wolf problem a bit. He sat down and drew up a matrix (which, of course, is pig Latin for a big blank sheet of paper), listed the problems, analyzed it into components and possible wolf strategies, listed the design objectives of his wolf-proof house, determined the functions that his fortress should perform, designed and built his house, and waited to see how well it worked. (He had to be an empiricist, for he had never been huffed and puffed at before.)

All this time, the old-timer pig was laughing at the planner pig and vehemently declined to enter into this kind of folly. He had built wolf-proof houses before, and he had lived and prospered, hadn't he? He said to the planner pig, "If you know what you are doing, you don't have to go through all of that jazz." And with this, he went fishing, or rooting, or whatever it is that pigs do in their idle hours.

The second pig worked his system anyway and designed for predicted contingencies.

One day the mean old wolf passed by the two houses (they both looked the same – after all, a house is just a house). He thought that a pig dinner was just what he wanted. He walked up to the first pig's house and uttered a warning to the old-timer, which was roundly rejected, as usual. With this, the wolf, instead of huffing and puffing, pulled out a sledge hammer, knocked the door down, and ate the old-timer for dinner.

Still not satiated, the wolf walked to the planner pig's house and repeated his act. Suddenly a trap door in front of the house opened and the wolf dropped neatly into a deep, dark pit, never to be heard from again.

Morals:

1. They are not making wolves like they used to.
2. It's hard to teach old pigs new tricks.
3. If you want to keep the wolf away from your door, you'd better plan ahead.

Roger A. Kaufman

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part V
reaction to presentations

EDITOR'S NOTE: Part V summarizes the information presented during the first annual leadership conference and provides a general description of the conferees' reactions to conference proceedings. A more detailed summary of conferee reactions can be found in Appendix A. The avenue for conferee involvement included informal question and answer sessions after individual presentations along with specific conferee interaction sessions conducted by group leaders during the final period of each of the two days of the conference.

Assuming major responsibility for consolidating the information from each of the four interaction groups were Dr. Martin Dean, Assistant Superintendent, Special Educational Services, San Francisco Public Schools; Dr. Thomas Marrow, Assistant Professor, Pennsylvania State University; Professor Van Mueller, Chairman, Department of Educational Administration, University of Minnesota; and Dr. Bill K. Tilley, Director of Special Education, Madison Public Schools.

The following summary by Dr. Melton Martinson is a reaction to the general conference content and proceedings.

REACTIONS TO PRESENTATIONS
1971 LEADERSHIP CONFERENCE

Melton C. Martinson, Chairman
Special Education Department
University of Kentucky

Many people maintain conference summaries are to be considered "old wine in new bottles." As I consider the discourse of the past few days, I feel as a Gabor sister's sixth husband, "I know what I'm to do but I'm not sure how to make it interesting."

The conference leaders are to be congratulated on an interesting program. Both the topic and the speakers were significant. I hope Drs. Gross, Johnson and Weatherman continue to provide this forum for professional interaction.

Bruce Balow, Maynard Reynolds and John Melcher provided a referent for considering the more specific papers and discussion. The basic message seemed to be that it is decreasingly possible to do "today's business with yesterday's tools and be in business tomorrow." It appears that, while the effectiveness of education and more specifically special education is being severely questioned, there is no question that our critics have become educated and increasingly vocal.

Internal to special education there is more and more evidence of "physician heal thyself" behavior. It was particularly supportive of Dr. Balow's point that much corrective behavior is relative "tinkering" rather than planned change based on a fundamental analysis of the education process. I hope that he correctly assumes that performance based preparation and service function help refocus the responsibility from the child accommodating to what the schools "have" to the school providing what the students "need." It has puzzled me for some time that performance should be so closely evaluated during personnel preparation but not during professional practice. It seems that performance based preparation and service programs will provide a much more congruent linkage between how personnel are trained and how they behave.

Since I am providing a conference summary, there is little hazard that I will violate Al Smith's admonishment quoted by Maynard Reynolds, "If you want to lead a parade, don't get more than two blocks ahead." My own observation is that while special education has made major contributions in serving populations commonly unadmitted, or unserved even if admitted, we have not gotten "too far ahead of the parade" in terms of operationally demonstrating the precepts and concepts we generally discuss. As a small example, I recall that much importance was attached to a small phrase regarding **adaptive behavior** in our definition of mental retardation (circa 1960). However, the commonly accepted criterion for identification presented in the same publication is based on statistically distributed levels of normative I.Q. scores. Maynard's discussion of the aptitude treatment-interaction linkage presents a basis for moving from the thought to the action in hopefully a much more effective fashion, particularly since it stresses instructional process rather than administrative manipulation.

My friend, John Melcher, has presented his views of mainstreaming with his uaual and admirable enthusiasm. His initial comments stress the fact that what general education and the public know about special education is what we have taught them. It seems we needn't puzzle over why many of these people have such a narrow, exclusive view of special education. They, in fact, reflect what we have been. The comments of John Johnson, Don Partridge and Jerry Chaffin addressed to their respective areas of concern support John Melcher's position relative to the factors to be coped with in bringing about change in either service or training systems.

It seems that in our strenuous attempts to provide special services for students we have made ourselves special to the point that we have difficulty communicating with the very people we must reach if our own redefined goals are to be achieved. As these gentlemen have so clearly documented, local districts and training institutions are all markedly affected by the thrust toward more generalizable service models and more effective training or educational procedures. The need for more effective monitoring and evaluation is equally explicit. On this latter point of accountability, a major challenge is how to remain flexible and reflective and still be accountable. Do we manage structure or does structure manage us?

This part of the discussion reminded me of the title of a presentation I gave several years ago, "You Can't Get Lost If You Don't Know Where You Want To Go." The basic idea was that if you don't know where you want to be, any place you are should be relatively satisfactory. Further, if you don't know where you want to be, how can you tell if you're getting there or even decide on a route? Special education appears to be presently involved in all three questions.

The content of Dick Weatherman's discussion of a projected training model made a lot of sense. Sense not only from the point of view of increased competency in the program product but the improved responsiveness of program components to a broader range of personnel. Both he and Jerry Chaffin give us some basis for believing that education in a University can be something other than an endurance contest.

The substantive statement by Dr. Cunningham was impressive for a number of reasons. The first area of interest relates to urban education. The second area relates to what I perceive as the marked similarity between his assumptions specific to inner-city problems and our assumptions regarding special education. The perspective and functions seem highly congruent.

The reaction panels and interaction groups have provided opportunity for testing and relevance of the presentations. I was impressed with the level of discussion and the congruency with the presentation content. With that criterion measure in mind, this has been an excellent conference.

I will end by making some personal observations on some of the things that complicate the achievement of our goals in special education. These observations are presented in the form of a number of contrived syndromes which afflict us in the process of multi-agency, multi-disciplinary planning. These syndromes include:

The "Limitations of Old Truths" Syndrome

The characteristics of this syndrome are a facility for discussing and rediscussing general positions which have been previously agreed on for some time. Treatment of the condition is difficult since isolation of management components is seldom accomplished.

The "Term of the Month" Syndrome

This syndrome is characterized by a penchant to re-name old problems with a new set of primarily in-vogue transiently acceptable terminologies. The area of "grantmanship" is very subject to this malady. The general assumption apparently is that professional sophistication can be measured by the use of currently popular terms, acronyms and abbreviations.

The "Lemming" Syndrome

This is basically a less superficial form of "term of the month" syndrome. As you know, this arctic rodent participates in massive cyclic migrations – to drown in the North Sea. As professionals, we demonstrate a similar behavior in our major swings to particular sets of assumptions regarding behavior and learning or theoretical models for treatment. While acutely aware of the need for experimentation and incremental learning as a part of program development, there is sometimes a vague apprehension that, rather than drowning in the North Sea, we run the risk of drowning in our own verbiage.

The "Tower of Babel" Syndrome

This condition has basis in the efforts of each discipline or department to develop a unique language to describe what it does, how it does it, and who it does it to or for. The symptoms are particularly obvious during multi-program planning projects. It is particularly troublesome to people who specialize in other areas but are forced to translate these diverse languages into an integrated program concept.

The "Professional Preservation" Syndrome

This collection of symptomologies relates to the practice of designing new, innovative programs primarily by re-ordering current traditional functions. A serious limitation is the hazard that, while the objectives may be "innovative," they are supported by program activities which were designed for other purposes. Problems of program reconceptualization, staff retraining and in-service, altered support system needs, and coalescing new components or staff frequently result largely in preservation of old programs under new names.

The "Professional or Agency Incest" Syndrome

This collection of symptoms relates to what might be called the territorial imperatives of a discipline or department. It involves our own ego structures, restrictive uni-departmental concepts of role and function and the behaviors requisite for accruing fiscal and program resources. It also relates to intra-discipline and/or intra-departmental caste systems.

The "Divide and Defeat Ourselves" Syndrome

This can be considered as an intermediate stage of the preceding syndrome. This process is characterized by an excessive compulsion to make general program development difficult or impossible via the mechanism of, "Unless I get what I want, no one is going to get anything." The process has its general basis in an overly rigid pursuit of very valid attempts to achieve visibility of and priority for particular departments or programs.

The "Snatching Defeat from the Jaws of Victory" Syndrome

This syndrome represents the most advanced stage of the "professional incest" and "divide and defeat ourselves" syndromes. It occurs when particular sub-groups continue to feel "unheard or unheeded" and take action to compromise the general project advantages to achieve increased specific visibility. This process is especially acute when legislative or resource control bodies are involved. A common product of this syndrome is to negate positive sensitivity to broad program needs on the part of these control bodies. Operationally, it holds great promise for autonomous but fragmented program development. Less optimistically, it commonly generates the reaction of "when you people having specific responsibilities for those programs quit bickering and can reasonably define your needs, we'll give you support."

I feel this conference has helped lessen the effects of these syndromes. This is a compliment to the conference leaders, the program participants and program staff.

volume II
special education in court

VOLUME II – OVERVIEW

Volume II includes papers presented at the second annual Special Education Leadership Conference, held in November, 1972. At issue during this second conference were the implications of recent litigation and court findings for the development and conduct of special education leadership systems.

To begin the second conference, a review of legal issues important to special education leadership personnel was delivered by Dr. Robert B. Herman and by Professor Gunnar Dybwad. Dr. Herman draws on his experience and observations at the Federal level to outline what he refers to as the "quiet metamorphosis" which legal activities have helped bring about in the development of expanded treatment and services for the handicapped. Professor Dybwad provides an analysis of the historical perspective from which services to the handicapped have evolved and discusses the critical issues of today, e.g. student involvement in life-decisions and the impact of recent court decisions on the profession.

To contrast the conceptual vs. the functional aspects of these issues, two leading attorneys in the area of securing the constitutional rights of handicapped persons, Mr. Thomas Gilhool and Mr. Martin Glick, review the implications of court cases and litigation relating to the issues of "right to treatment," "access to education" and "equal protection." Dr. Tommy Russell presents a practical example of attempts by local and state special education agencies to comply with landmark decisions in the areas of "equal protection" and "due process of law."

A format for translating decisions from recent court findings into state laws designed to insure the rights of the handicapped is offered by Mr. Fred Weintraub, and Professor Maynard Reynolds follows with a timely review of what special education leadership personnel and others should learn from this recent legal activity.

The pro and con side of the issue, "The Public Schools Must Serve All of the Handicapped," is "debated" by Dr. Martin Dean and Dr. Bill Tilley.

In their combined presentation, Dr. Richard Johnson and Dr. Jerry Gross review the Minneapolis Special Education leadership reorganization, an effort designed to restructure a categorical leadership system into a levels of service, performance-based leadership system. Dr. Bill Tilley reviews the reorganization efforts of the special education program in Madison, Wisconsin.

Finally, Dr. Bruce Balow provides a summary of the Conference and includes his reactions to the issues raised during the Conference.

part I

critical issues

LEADERSHIP FOR THE HANDICAPPED

Robert B. Herman
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Two years ago Steve was just another severely retarded six-year old staring vacantly at the drab walls in one of the jam packed wards at the State Home in a farm town about 100 miles southwest of the State Capitol and 140 miles from his home and parents.

He had been in the 1,400 bed institution since shortly after his birth. He was still in diapers and could not dress himself, speak sentences, or walk without wobbling. There was very little money or manpower for treating him. So, it was a typical State Home, and everyone expected him to remain there until death.

Today, however, Steve is out of the Home and living in a comfortable "hostel" in a suburb outside of the State Capitol with a half dozen other retarded children. He is toilet trained, can talk and sing, dresses himself, moves about without difficulty, and goes to special classes in reading and writing.

What happened?

The answer lies in a quiet metamorphosis that is slowly changing the entire approach in treating the mentally retarded. The problem affects more than six million Americans, more than two million children, and it annually costs the country some $5.5 billion in lost productivity and abnormal hospital expenses.

It is not any breakthrough in medicine and certainly is no cure-all for retardation. Rather, it is a change in housing, physical therapy and education, a shift of emphasis away from the impersonal custodial institution with its 50 bed ward and day room reeking of disinfectant to personal, non-institutional care.

The new approach was probably inevitable once enough parents, guardians, and concerned lawyers and yes, even a few government officials, and I bet even a university professor or administrator or so decided that what they saw as penny-pinching legislators and hidebound mental health administrators had gone far enough.

It is based on a theory that the best way to treat the retarded is to treat them "normally" and to let them live out their lives in a real home situation on a real street in a real town with special education, special job-training, special attention — **a community approach**.

In many places, local government has taken over full care of the retarded, using a combination of city, county, state, and federal approaches. In Omaha, for instance, the area's 200 seriously handicapped children and young adults now live in their homes or in six-bed hostels. They are bussed daily to special physical therapy classes; and some, like Steve, have progressed to academic or vocational classes.

As for the 900 other less seriously retarded in that city, they continue to live at home as always; but, instead of whiling away their days in back bedrooms or kitchens, many of them are now attending special academic classes or learning a trade, how to use public transportation and rent an apartment.

Community programs are more expensive than institutionalization. For example, little Steve's expenses are now $25 per day or about $9,000 per year as opposed to about $7,000 annually spent on institutionalization.

But their ultimate goal is to produce tax paying citizens rather than tax spending citizens. And these programs have proven so workable that about a third of the $1.5 billion spent annually on treatment of retardation is going into them.

This realistic approach has not even touched the thousands or the millions of retarded who have never been shipped off to a state institution but instead have been struggling along "outside" often lost, confused, and ignored.

The National Association of Coordinators of State Programs for the Mentally Retarded shows that only 10 percent of the mentally retarded in Arkansas have access to appropriate programs. Two out of three retarded persons in New Jersey are not receiving proper services.

Nor have we yet eliminated or substantially reduced the 200 or so state homes and hospitals that house more than a quarter of a million men, women, and children who are the country's most severely retarded. Enrollment has been barely held at a steady rate.

I don't need to tell all you that conditions in many of these institutions, homes, and hospitals are scandalous. At Willowbrook, the 5,100 bed state home on New York's Staten Island, a Fleischman Commission study team reported late last year that residents were permitted to be around in their own filth. A suit now filed against the institution charged that "**no goals are set for any resident**"!

Partlow, a state home at Tuscaloosa, Alabama, the locus of one of the Nation's top college football teams, deteriorated so badly that a federal judge stepped in early this year, declared the 2,100 residents in "actual physical danger" because of an "atmosphere of psychological and physical deprivation" and then ordered "the warehousing institution" to hire 300 additional aides, correct fire hazards, install air conditioners and draw up a program of instruction for every man, woman, and child housed there.

I recently visited the Mansfield Training Center in Connecticut where just a few short yards from an enlightened, hostel setting operating for 60 youngsters at an annual cost of $12,000 per child are the terrible back wards of the institution where despair and hopelessness abound in openness and where the stench of urine is as evident as the attendant constantly medicating weak and helpless patients. I saw it on a beautiful sunny day. I wonder how it feels to be there when the cold winds blow and the clouds hang low over that small community not far from the State University at Storrs and the State Capitol at Hartford.

A home at Orlando, Florida, close by the elaborate and costly Disney World, was investigated a few months ago for allegedly saving time and staff by feeding seriously retarded persons through surgically inserted stomach tubes. Evidence of paddling, seclusion, and starvation as punishment were great.

These are examples of such facilities all over the United States. But there is also evidence of programs of the sort Steve has reached, evidence that the traditional, segregated, limited expectation and hope approach to mental retardation and other handicapping conditions is changing.

The President's Committee on Mental Retardation recently put it this way: "There's big news. Fundamental change and improvement are on the way – for the first time, there is a concerted national effort to remedy and improve the conditions of residential living for the mentally retarded."

I am waiting for the big news that handicapped children everywhere will begin to get the services they require and be taught according to their learning needs and not their physical or mental shortcomings. I could dream that regular classroom teachers and principals will begin assuming their responsibilities to the more mildly handicapped.

The more severely disabled children will be the primary concern of what we call special education. In **Louisiana**, seriously retarded youngsters unable to fend for themselves no longer are assigned to oblivion in large institutions but instead go to the 32-bed Columbia State School near Monroe.

In six months or so of concentrated instruction there, they learn such things as how to move about, how to bathe, how to turn on a light. Then, after this stay, they are sent home, able to cope with life, less dependent and able to move to even greater independence from there.

Even states with those highly criticized institutions are beginning to change.

For example, Alabama is building several community treatment centers; and in New York there are about a dozen hostels.

In pushing for greater changes it is our responsibility to eliminate from the minds of legislators, school board members, administrators, principals, teachers, parents, and special educators the self-fulfilling prophecies of despair that have pervaded the lives of handicapped children and the minds of those who claim to help them.

If we do not have high expectations for these children, how can we expect others to? And we know that virtually every retarded person has some learning potential that can be tapped.

But in the 1970's there are still big institutions in this country that have several "back wards" literally packed with people who are so severely retarded, mentally and physically, that all hope for them has been abandoned.

Say that you are sent to one of those places as a child, no hearing, no trial, no due process. They decide right off that you cannot be helped, either because there simply is not enough money, time, and staff or because you are simply too handicapped. But isn't that against everything we have learned, in our schools, churches, homes, that people are not supposed to be discarded? And when it all seems so elementary, just a simple matter of changing the system, dragging a few dollars out of the legislature and giving each child that personal day-by-day care. And one day the odds are pretty good that he will pay society back by going out to make his own living. Of course, it is not simple to change priorities, methods, or minds; but it must be done. And I have a feeling that the universities are the critical agent in the chemistry that will make it happen.

Of course, not all the retarded can go out; about five percent are so handicapped, physically and mentally, that they require constant care or guidance. And about five percent are simply too retarded to compete in the labor market except in "sheltered workshops."

But the remaining 90 percent, the Bureau of Education for the Handicapped, the National Association of Retarded Children and other experts agree, have the potential to enter the labor market and compete in less demanding fields. And interestingly enough, the jobs that the retarded can do are not being automated and will most likely not be in the near future.

The alternative to jobs and advanced educational support are lives of despair in bone bare settings and general indifference – an environment not distinctly different from the environment experienced by prisoners of war during the past three decades.

But, as refreshingly different community and school programs develop and represent the fast growing proportion of budget in many states, it is said they still are not adequate to meet the demand for more and better services.

In its annual survey of the States, the Bureau of Education for the Handicapped found that only about 40 percent of all handicapped youngsters were enrolled in classes.

In New York, 34 percent of so called "educable" children were enrolled in classes; in Nebraska, 37 percent; in Alabama, 18 percent.

A primary reason for these low percentages is that the nation's public schools have had little commitment to the concept of realistic education for the handicapped. There has been little effort to include all children and even less effort to establish a continuum of services to meet the needs of these children. Program options are limited. Problems are staffing, physical facilities, finance, and poor planning.

Just more than half of the states have laws mandating education for the retarded. But even in those states the correlation between quality education for the handicapped and the law has been hard to assess. Many of the states with mandatory legislation have exclusionary clauses which should be eliminated. Those clauses violate the purpose of mandatory legislation. While we all know it is impossible for all districts to provide programs for the most severely handicapped children residing in their district, these children should be provided with experience in relation to their needs. Consequently, local education agencies should, at a minimum, be required to be involved with other agencies in the identification and evaluation of children and also have a basic responsibility to see that all children are placed, evaluated, and maintained in appropriate programs regardless of the sponsoring agency.

Although no measurement has been taken of the number of programs that have been started, mandatory laws have provided a lever and a set of expectations.

The passing of such mandatory legislation makes it clear that a state clearly and loudly conveys the commitment and priority of the legislature to meeting the needs of each handicapped child. Further, the passage of such a law conveys that local agencies, as arms of the state, have responsibilities to handicapped children which must be fulfilled. Fred Weintraub has said that this kind of mandate gives local special educators the opportunity and impetus to initiate both political and legal activity and expand program development.

Parent groups have taken to the courts to insure theat the rights of their children are fulfilled with clarity and force.

In Pennsylvania, a federal court recently relied on the "equal protection clause" of the Fourteenth Amendment to rule that a state may not refuse to educate a child who is mentally retarded. Similar decisions have also been handed down in the District of Columbia and Utah; and suits asking relief are pending in California, Delaware, Massachusetts, New York, Wisconsin, North Carolina, Maryland, Michigan, and Virginia.

In Alabama there is the federal decree regarding the "deprivation" at Partlow, a decision saying, in effect, that retarded persons have a constitutional right to adequate treatment once they are committed to state hospitals. In New York, there is an action against Willowbrook. Deprivation suits are in effect in Tennessee, Georgia, Maine, and South Carolina.

The American Civil Liberties Union and other law groups have formed a legal action unit to help the mentally retarded. The

National Council on the Rights of the Mentally Handicapped is already looking into periodic abuses of various laws, tests, and procedures and is studying the peonage practices of many institutions.

Ultimately, however, the courts cannot provide a cure for retardation. What is needed is a national commitment to stamp out retardation before it starts and mitigate its handicap when it is found.

Whether it is genetic — the result of German measles or brain deficiency, improper diet or what — we know that the poor are ten times more likely to be retarded than the more affluent. It is evident in isolated rural areas, where the incidence is abnormally high, that there is certainly a correlation with malnutrition, illness, unsanitary conditions, inadequate housing — but most of all, lack of health care and education and the prevading apathy of poverty. **What we need is a national commitment to the goal of providing equity and equality of education to all handicapped.** The Office of Education has undertaken such a commitment to insure that all handicapped children receive special education services to enable them to develop to their fullest potential and thereby reduce their degree of dependency.

Sidney P. Marland, Jr., then U.S. Commissioner of Education and now Assistant Secretary for Education in HEW, urged in 1971 the adoption of a national goal to provide full educational opportunity for every handicapped child in the nation by 1980. "The right of a handicapped child to the special education he needs is as basic to him as is the right of any other young citizen to an appropriate education in the public schools," Dr. Marland said. "It is unjust for our society to provide handicapped children with anything less than full and equal educational opportunity to reach their maximum potential and attain rewarding, satisfying lives."

This first national education leader to adopt such a goal understood that the federal financial role was limited and because of budget constraints could not expect to grow dramatically, but he urged Ed Martin, Associate Commissioner for Education of the Handicapped, to compete for resources with a developed plan. And when the Bureau responded, the Commissioner rewarded the handicapped programs with the largest FY 1973 budget increase in the Office of Education.

Ed Martin based his plan and program on two fundamental concepts:

1. That education for a handicapped child is not a charity but a fundamental right to which that child and his family are entitled.

2. That it is cost-beneficial to society to help each handicapped child become as independent and productive as possible.

This commitment and its accompanying goal will require a long range and phased attack from the federal government with consistent and planned coordination from state and local governments. To fulfill the goal, we will rely heavily on joint planning, demonstration models, and targeting resources to solve specific problems.

Solutions to the major problems of staffing, finance, physical facilities, and program planning can be solved by local and state agencies and universities and colleges putting aside petty differences and rivalries and all types of self-defeating competitions to combine scarce resources for one objective, and that is the education of all handicapped children.

In allocating its previous discretionary resources, the Bureau will require evidence of joint planning and program operation. Statewide compacts and plans among training institutions and state agencies will become more and more vital. As we compete with other programs for the ever shrinking pool of resources, we **must** be able to demonstrate not only our everlasting advocacy for the children but our dedication to making the best use of these dollars and people by effectively working together despite self-interests.

Responsibility and accountability will be the hallmark of federal action in concert with local and state decision makers at the local and state education departments and in the departments of special education in the universities and colleges. We agree that the best decisions can and should be made closer to the children, but we reserve a role for leadership in supporting the national education policy of Sidney Marland and Edwin Martin.

For those of you that have not been exposed to the objectives we have proposed, the dual edged sword of responsibility and responsiveness must be carried by all of us. The prevention of dependency and the accomplishment of institutional reform provide all of us with standards of accomplishment in those areas.

Prevention of dependency among handicapped children responds to the deepest instincts of a society which affirms the ultimate worth and dignity of each individual. Whatever the cause of dependency, the main goal is a dignified and self-sufficient way of life. A handicapped child can cost from $1,500 to $5,000 per year to educate. To maintain him in an institution for the rest of his life can cost up to a half a million dollars.

The objective of institutional reform also responds to what I believe to be basic perceptions and values in our society. All of us can agree, I think, that in a vast, increasingly urban society, the most critically needed changes in our institutions are those which increase their human responsiveness. After all, institutions and their activities do not exist for their own sakes; they exist for people. Where programs are rigid, they must be made flexible. Where programs suffer from hardening of the categories, they must be opened to consumer participation. Where they are remote to people, they must be made accessible.

The Bureau has been charged by the Secretary of HEW with reducing overlap, waste, duplication, jurisdictional jealousies, and persistence in outmoded methods – and all things that drive deeper the wedge between promise and performance.

With the expectations of society and of parents of handicapped children raised to a high point, evaluation will be tied closely to responsibility with the progress of individual children as the primary criterion of success. The competency of the teachers you produce and the teachers you hire will be assessed for effectiveness as well as affectiveness.

As accountability takes hold, parents will be involved in educational programming for all children. The principal will be involved with program development and implementation and evaluation as they relate to all of the children in his school. He will be an advocate for the needs of the handicapped and feel accountable for their progress.

The special education director will act as a consultant to the principal on matters of special service arrangements and intervention strategies and be a resource person for the entire school system. He will play a more active role in the administration and supervision of programs for the severely disabled. The training program might possibly call for the training of instructional delivery specialists and leadership personnel to assist regular class teachers. It is beginning to happen more and more that training programs will select particular competency domains to emphasize. Labels may even be applied to teachers rather than kids.

Most people do not want to accept the roles laid out for them here. Regular class teachers are accustomed to having children in special classes; and most, I believe, like this arrangement.

The principal of today is certainly not a protagonist for handicapped children. He, too, lacks knowledge about such children and their educational programming. None of the 50 states requires a special education course for certification as a principal. A recent survey of principals revealed that an overwhelming majority had never taken such a course.

Sometimes I wonder if the special education director would willingly accept the challenge of such administration.

Special education administrators have done a forceful job of selling the value of special education via the categorical approach. Many fear that a loss of labels might also bring a loss of financial support for services. However, special educators must consider the possibility that they are perpetuating systems that should be challenged.

While institutions and strategies should be changed, those charged with finding alternatives must safeguard clients with objective evaluation. The implementation of alternatives must also be preceded by an evaluation of staff and community attitudes.

As alternatives are being developed, research will also be required to study a child's personal characteristics and their match with various instructional strategies. According to Reynolds and Balow we must begin looking for interactions between relevant educational variables and instructional system.

Change can only be brought by the adoption on your part of an advocacy role. It is essential that you get in line with your legislators, local superintendents, chief state school officers, deans and university presidents and school boards to change the order of priorities.

You must insist on the concept of accountability and be advocates for appropriate placement of handicapped children, the constant charting of their successes and, if appropriate, their eventual return to the regular class or into society with job or marketable skills.

We need not accept the self-fulfilling prophecy that there will always be some children who cannot benefit from an education. Not only must we be advocates for the best education possible and the fair share of resources for their help but advocates as well for the enforcement of laws – federal, state, and local. And you have a chance to do some immediate work in getting handicapped kids into local head start programs (1 of 10 are for the handicapped). You must be an advocate in getting principals and superintendents to begin to feel that the special class is a part of the total school program for which he is responsible.

Advocacy takes the shape of working with regular class teachers to maximize their usefulness. This may involve all kinds of roles and responsibilities for you and your colleagues.

Advocates for attitudinal and programmatic change will be haunted by fear of the handicapped child because he is different from our plastic and TV tube image, by the fatalism of those who have written the child off as a lost cause, and by those who say funds must be expended first on normal children or the less severely handicapped ones. It is up to you to keep the self-fulfilling prophecy from becoming a truism and to resist being part of a conspiracy by a less interested society.

For years special educators have sold special education to regular educators. The product sold was that regular educators do not have the competencies necessary to teach the handicapped. The regular educators bought this line, and gladly so. Why shouldn't they? Who but special educators would relieve them of their problem children? The recent court actions point to special education as an instrument for educational change. It is in a unique position to serve as "developmental support" in an effort to upgrade the effectiveness of the total public education effort.

The role of the advocate for priority change for the benefit of handicapped children is the challenge that the courts have given to all of us. The courts have given us an opportunity to rectify past mistakes by learning. As a founder of the National Association of Retarded Children once said, "If our way of life is to survive, every individual . . . must be counted an individual and accorded his place in the sun."

A LOOK AT HISTORY AND PRESENT TRENDS IN THE PROTECTION OF CHILDREN'S RIGHT TO EDUCATION

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Chairman, ladies, and gentlemen, I am very happy to be here to attend what is, I believe, the first occasion when a large public school system has been willing to devote an entire public conference to a confrontation with the recent court actions which directly or indirectly impinge on special education services in the nation's public schools. Dr. John B. Davis, Jr., superintendent of schools in Minneapolis, and Drs. Johnson and Gross have made a very significant contribution nationally in planning this meeting, and the decadent East once more has to acknowledge the vital leadership of the enlightened Middle West.

In the presentation today there has been what some of you may well consider an undue emphasis on mentally retarded children. Actually, a large number of the court decisions deal specifically with retarded children and with facilities serving retarded children if **serving** is the appropriate word to use. However, the thrust of the overall effort certainly goes toward establishing and reinforcing the right to education, the right to treatment of **all** handicapped persons. For example, the Mills case in Washington, D.C., frequently mentioned here today, indeed addresses itself to a wide range of "exceptional" or handicapped children.

While my broad interests are in the field of handicap at large, I have been most immediately concerned with the problem of mental retardation. Hence, my examples tend to fall in that category, much as I shall try to make reference to other conditions. In this context I should mention that our new special education statute in Massachusetts formally abolishes the rigid categorizations which have characterized our past work and only speaks in terms of children found to be in need of special education services. No more categories are to be used with regard to entitlement to service; the new law specifically forbids this. The fact is that in recent decades it has been the parent associations in the field of mental retardation which, both in this country and abroad, have established themselves as the most effective and persistent consumer action groups. Therefore, I once again shall make reference to that disability in addressing myself to a question which has been raised frequently of late and also here at this conference: "Is not all this court action, this emphasis on legal rights, just a passing fad and soon all this noise about the right to education will subside?" That certainly is not the picture as I see it, and the paper I am holding in my hands tends to prove it. This is a document from the United Nations General Assembly dated December 20, 1971, and is a resolution adopted by the General Assembly and entitled, "Declaration on the Rights of Mentally Retarded Persons." What brought forth this remarkable development? Is there any rational explanation for the United Nations' action? To the student of international developments in the field of human services, there exists a historical perspective which places this Declaration on the Rights of Mentally Retarded Persons into a logical sequence; and I though that after having heard all day so much about what it is, you might like to hear a little bit of how it came about.

It was almost half a century ago, in 1923, when the leader in the Save the Children Movement, Miss Eglantyne Jebb, was spending an afternoon on a mountain overlooking Geneva, Switzerland, and sketched out her thoughts on the rights of children. This brief, simple, seven-point statement, which became known as the Geneva Declaration, was so forceful in its simplicity, so persuasive in pleading for the child as a person, that governments throughout the world were willing to become signatories to it. In the headquarters of the International Union for Child Welfare in Geneva there is an impressive display of the original documents in many languages bearing the signatures of kings and queens and other heads of state.

Subsequently, in 1924 the Fifth Assembly of the League of Nations unanimously adopted the Geneva Declaration; and later in the same year, the Fourth Pan-American Congress on Child Welfare did likewise. Unfortunately, however, World War II and the preceding years of international turmoil interrupted any further work along these lines. Nonetheless, for those working in the field of child welfare, Article IV of the Geneva Declaration remained a continuing challenge with its simple statement, "The child who is physically or mentally handicapped must be helped." While for technical reasons the U.S. government could not be a signatory to the Geneva Declaration, it is appropriate for me to remind you of an important American document which was too soon forgotten. This was The Children's Charter, adopted at the 1930 White House Conference on Child Help and Protection under Herbert Hoover's sponsorship. It proclaimed the rights of children, and among them the right of handicapped children to education and medical treatment – shades of socialized medicine way back in 1930! I warmly recommend this document for your thoughtful reading. Read it aloud at your next staff meeting and see how far we still are from meeting its challenges after 42 years.

But, back to world history. World War II, with all of its horrors and destruction, did bring forth substantial new knowledge of benefit to mankind; and in our context this relates particularly to an understanding of the immense potential for rehabilitation of physically and mentally disabled human beings. But something else emerged from the holocaust of World War II, a new concept of the dignity of man, of every man, woman, and child, along with an emphasis on the quality of human life, the human being's potential for rehabilitation, and for physical and mental restoration, no matter how severely damaged. The basket cases of World War I, people who had lost four limbs in combat, just vegetated in a hospital; but due to the advances in concepts and techniques of rehabilitation, the paraplegic victims of World War II lead a much more normal life; some are our neighbors in the community and drive specially equipped motorcars. Rehabilitation is no longer a promise, a philosophy, but an action program that has given us new vistas regarding the hackneyed phrase of the human potential.

And so it came about that on December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. The Declaration sets forth that all human beings are born free and equal in dignity and rights. It sets forth that no one shall be subjected to inhuman or degrading treatment, a provision that takes on special meaning for all who know the evils of some residential institutions for the mentally retarded around the world. It sets forth the right to education, equal access to public service, and the right to work.

Not withstanding the strong emphasis springing from the Universal Declaration of Human Rights, there was considerable sentiment to come back to, and reformulate in more contemporary terms, the Geneva Declaration. But it was not until 1959 that the United Nations General Assembly did so by adopting a revised and expanded version and proclaimed it the Declaration of the Rights of the Child. Of its ten principles, principle five says, "The child who is physically, mentally, or socially handicapped shall be given the special treatment, education, and care required by his particular condition." A year later, at the 1960 White House Conference on Children and Youth, I stated in a position paper (Dybwad 1960) that insufficient attention had been given to the legal status of mentally retarded persons and pointed out that often actions taken on their behalf diminished rather than strengthened their rights, or even led to a total denial. To some extent this was pursued by the

Task Force on Law of the President's Panel on Mental Retardation (1963) but the most significant impetus came from abroad.

Of all the many accomplishments of the International League of Societies for the Mentally Handicapped (the international organization of parent associations) during its first decade of existence, none had a greater significance and more far reaching effect than its 1967 Symposium on Legislative Aspects of Mental Retardation. It brought to Stockholm 30 representatives of some 14 national member societies of the League. The Symposium clearly recognized the wide variations in legal administrative practices from country to country depending on resources as well as cultural and political traditions. However, the participants nevertheless found it possible to develop common agreement on standards that could guide the various countries in reviewing and changing legislative provisions for the mentally retarded.

Traditionally, this type of legislation had addressed itself mainly to the problem of constraining the mentally retarded, limiting their freedom of action, safeguarding their property, permitting their exclusion from vital services such as public schools, prescribing confinement in institutions, imposing obligation on their parents, or providing parent surrogates. The recommendations of the Stockholm Symposium (1967) reversed this essentially negative approach and, instead, set forth some broad general principles encompassing the individual rights of the mentally retarded person as a human being.

As the conclusions of the Stockholm Symposium became distributed world-wide, this special section on individual rights was soon recognized as its key provision.

A year later at the Fourth Congress of the International League in Jerusalem, which had the theme "From Charity to Rights," the delegates reformulated these conclusions into a Declaration of General and Special Rights of the Mentally Retarded.

A declaration of rights of the mentally retarded? Is that not going too far? Does this not imply on the part of the International League a lack of sense of reality, a lack of understanding of political factors? Those who raised these doubts (and among them were even some prominent leaders in the movement of parents and friends of retarded children) were very much taken by surprise when they learned that, at the initiative of the government of France, this Declaration of Rights of the Mentally Retarded had been submitted to the United Nations Social Development Commission for consideration; but even the most optimistic observers were surprised when the Commission, without a negative vote, passed on the report with a favorable recommendation to ECOSOC, the United Nations Economic and Social Council. ECOSOC, in turn, reviewed the Declaration favorably and submitted it to the United Nations General Assembly with a recommendation for adoption. And the Assembly adopted the Declaration in December, 1971.

Among the few editorial changes, one word added shows vividly how well the international statesmen in ECOSOC were able to understand and appreciate the problem under consideration: instead of Declaration of Rights of the Mentally Retarded, they said Declaration on the Rights of Mentally Retarded **Persons**. It is my hope that the International Society for Rehabilitation of the Disabled, now known as Rehabilitation International, will utilize its world-wide contacts to broaden the Declaration into a general declaration such as the need to face and respond to situations when the parent cannot be presumed to be the proper representative of the child's interest. Therefore, we must always seek valid ways and means to get an appropriate expression from the child himself.

As our proceedings have gone on today, you, as a very patient audience, have encountered, of necessity, a good bit of repetition; after all – you requested your speakers to address themselves to very closely interrelated problems. Consequently, I shall forego the comments I had meant to present to you on the subject of equality in access to education and the resulting fiscal implications, which interest me very much as a former state administrator, and also on the concept of "present" rights, which Mr. Weintraub presented to you so forcefully.

Let me, therefore, turn to another very significant aspect in this whole new process of asserting and gaining rights, the respective roles of the consumer and the professional. Consumerism has become a vital, but also controversial, aspect of our national life represented best by the work of Ralph Nader and his associates. Consumer organizations in our field are a rather special phenomenon, particularly since, as far as special education is concerned, the child, not the parent, is the consumer; yet the parents are the backbone of these associations. It was 22 years ago, by the way, that the National Association for Retarded Children was founded in this very city. But today, of course, there exist United Cerebral Palsy Associations, AMIC – the Association for Mentally Ill Children, the Organizations of Parents of Deaf Children, Rubella Children, The Association for Children with Learning Disorders, and so on, all constituting a very large and important consumer force.

It was noted earlier today by Mr. Weintraub that there are problems to be faced as parent-sponsored groups want to become involved in effective advocacy of the rights of handicapped persons. Indeed, in 1971 the distinguished secretary general of that Society, Norman Acton, wrote the following in an editorial:

> The world is gradually, too gradually, coming to understand that the challenges of disability are not reserved to a special few, but confront a growing proportion of its people. No families are without need of some of the services it provided to supplement physical and mental limitations. The effective delivery of those services is a major economic and social responsibility of each government, far beyond the resources of the individual family. Proper legislation, effectively administered and supported by adequate budgetary provision, is the only rational basis for the fulfillment of this responsibility.
>
> In the ideal future, the human rights of every individual will be protected by a society of people whose education and maturity of attitude has eliminated all forms of prejudice and discrimination, and assured equal opportunity for all. Evolution towards that ideal cannot, however, be left to chance. We must depend on law to protect human rights, and on administrative mechanisms to insure that the values set forth in the laws are promoted and, if necessary, enforced.

A great deal is being said these days about law and order. I, too, am a law and order man; and essentially what I shall discuss with you today pertains to the need, the urgent need, to allow mentally retarded and other handicapped children and adults to enjoy the benefits of law and order to which they are entitled as our fellow citizens.

As you heard, my training has been in the law; but I did not go into the field of law to become involved with litigation nor to practice as an attorney. What attracted me was the potential power of law as a social force. As Fred Weintraub expressed it, law is a means by which minorities can protect themselves; law is a guarantor of what we might call the good life, a life where each is assured of the opportunities for self-fulfillment and productive existence.

For many years I have worked in the field of child welfare, dealing with juvenile and domestic relations courts. Some of the problems which were mentioned here today became known to me in those by-gone days in Michigan. I agree, but I also know how much has been done to face up to this problem. For instance, as far as the

National Association for Retarded Children (NARC) is concerned at the 1958 Convention, the so called Fettinger Report was submitted, culminating in the pronouncement, "our task is to obtain, not to provide services." Mr. Fettinger, a businessman and parent of a retarded child, already then foresaw the vital need for the Associations to concentrate on the advocacy role; and he also foresaw the inevitable conflict of interest which would develop if, at the same time, the Associations were to undertake the rendering of direct services, such as school programs, day programs, developmental centers, etc., except as demonstration projects eventually to be turned over to others.

Obviously, some new patterns of relationships need to be worked out between the public agencies and the consumer groups. One reason why the Pennsylvania right to education case could be resolved as it was evolved from the fact that the Pennsylvania Association for Retarded Children could indeed concentrate entirely on its advocacy role and keep itself free from involvement with service programs of local Associations. There is no time tonight to spin out the story. But, being somewhat related to the consumer advocacy movement as a former executive of the NARC, as board member of the Massachusetts State Association for Retarded Citizens and as husband of the vice president of the International League of Societies for the Mentally Handicapped, I did want to underline the justification of Mr. Weintraub's remarks.

Needed changes are not all in the realm of the special education agencies and their staff. The consumers, too, must be ready to accommodate themselves to the demand of new situations evolving from the efforts to secure rights to education and rights to treatment. But the organization aspects of consumers do not constitute the whole story. As was pointed out several times today, it is the involvement of the individual parent in assessment, in decision making, in review and appeal, which poses delicate and complex problems: "Parent and child are entitled to be heard," said Tom Gilhool. But how? Obviously, we need to listen more closely to what children might have to say. Tom quite rightly emphasized that we need to be prepared for developments that may be disquieting to some parents as well as to some professionals. Change is appearing at a very rapid pace. Recent rulings by the Commissioner of Education in New York State and the Chancellor of the New York City School System that parents are entitled to see their children's public school records surprised many and are, of course, of great significance in relation to what was discussed this morning regarding the parent's right to know about the school's plans and to voice their own opinions or to protest.

But I foresee a far more active participation by the children themselves, particularly in the older group. In several countries, including ours, we have active groups of retarded adolescents and young adults who have been quite able to be articulate about their needs. Young people with other handicaps would at least be prepared to state their case in ways which will require a change in our stance, I'm sure.

Let me just tell you a little story which underlines how much more even quite retarded young people can express preferences than we ever had thought possible. Many weeks after I had addressed in San Francisco a meeting of the local Association for Retarded Children, I got a letter from the executive director to tell me that the mother of a young woman with Down's Syndrome had just called her in amazement. It seems that the retarded daughter had approached her and said, "I've been thinking about what the doctor said at the meeting at the Bank of America. You want to find a place for me to live, so I've been looking at the pamphlets you have. I have to make the choice, and I've decided I want the one in Palo Alto." Here is a young woman with Down's Syndrome, about whose in-educability most educators would make quick prejudgments and yet, six weeks after she and her mother attended a large meeting, she demonstrates quite clearly that she understood what was said. More than that, she was able to draw her own conclusions and make her own plans. I hope you agree with me that she has a right to be heard and to have her views carefully considered in the process of decision making affecting her future life.

One final point regarding involvement. Mr. Weintraub referred to the feasibility of contracts between the parent and the school, and this is exactly what I have been recommending – quite without success – for five years in the realm of residential care. Much improvement could result in the relationship between the parent and the public institution if no child would be admitted unless it were on the basis of an **annual** contract, setting forth what was expected of either party on behalf of the child within the framework of the plan for education and rehabilitation.

I will turn now to a discussion of some of the implications for the professional group of the new development of a concept of the right to education, of parent participation in decision making, of periodic case review, and of appeals and of hearing procedures. I would like to underline some of the points Tom Gilhool referred to in passing. At the core of the Pennsylvania right to education case was the fact that the plantiffs presented in careful documentation that there was not just new knowledge. To considerable extent there was a reversal of knowledge. Granted, the experts testifying for the plantiffs did not originate these points of knowledge. There had just been an incredible nationwide lag on the part of educational authorities in taking cognizance of such phenomena as the tradition of fallacious belief in the desirability of delaying the rigors of education for those unfortunate retarded children when it had become quite clear that, because of their retardation and rate of learning, they needed **early** schooling. The I.Q., as a fixed entity of satisfactory global measurement, had long been put into question; and old convictions regarding the boundaries of education, that is, the ineducability of certain children, had also been shown to be fictional.

Indeed, the whole house of cards built around the tight lines dividing retarded children into educable, trainable, and custodial children, which were based upon not one scintilla of scientific validation or common sense, had long collapsed but lived on through arbitrary administrative rules and regulations. New thinking about the misuse of classification and its detrimental terminology highlighted that a label was too often a libel. As some colleagues in this room know, I will always protest when educators speak of mongoloids or, worse yet, of mongols, e.g., a label that immediately conjures up a prejudiced picture of self-fulfilling prophecies. To be sure, if you talk with a physician, you may want to refer to certain medical aspects of Down's Syndrome or trisomy, if you prefer that term. But in discussing education programming, I know of no scientific or practical evidence that should suggest use of that label. There is just no common characteristic of these children any educator has ever been able to demonstrate that would make it essential for him to use that prejudicial label. It is just a poor habit. Likewise, why should a human being be referred to in conversation or records as an epileptic just because he had a seizure six months ago? The use of the I.Q. as a label is another example. I think one of the last changes made in the original complaint of the Pennsylvania right to education suit was to change, in every single case cited by the plaintiffs, the wording, "who **has** an I.Q. of 35" to "who **was assigned** an I.Q. of 35" because that is all it was, maybe correctly, maybe incorrectly, and that is all that could be claimed.

Let me refer you to another point of view which was so important in special education and led to exclusion of many children and played a big role in many other aspects of the handicapped child's life that now has been exposed as largely fallacious, namely the protection we felt obliged to give children to keep them out of harm's way. For example, we did not allow a wheelchair or crutches in school, and we insisted on innumerable stifling safety precautions. We are in fact indebted to Robert Perske of the Kansas Neurological Institute and now in Omaha for having brought back from Scandinavia a clear formulation of the handicapped child's rights to the **dignity of risk**. But then, of course, we need to take a second look at what was behind the protected and overprotected stance of most school administrators. Protection of whom: the child, or the administration? Tom Gilhool said earlier today that in special education the profession must learn to speak a new language. In other words, there is an educational job to be done. I agree very much with that, and I see it as a real challenge.

It has been suggested that the implementation of these various court decisions should involve, first of all, a rather broad-gauged public educational campaign. I do not see it that way. It seems to me that the public education campaign, which would result in greater public understanding and acceptance of these court decisions and their implementation, is well on its way through the broad public information campaigns of the Advertising Council, the President's Committee on Mental Retardation, the Special Olympics, and many other worthwhile efforts of that nature. Much remains to be done, but we are moving.

The problem area which I see as requiring far more attention is that of the impact of those court decisions and their implementation on the various professions which have been active in the field and the resistance which we may expect and of which we already have seen some indications. I purposely speak about **all** the professions and not just that of special education. The reason for this is quite clear. With the exception of the zoning problems (to which little reference has been made here today, but which will increasingly require our attention) these cases run into conflict far less with the general citizenry and far more with those of the professional community who have been accustomed to arrive at judgments and to make far reaching decisions concerning retarded and other handicapped individuals and now find these judgments and decisions put into question. The professional, be he psychiatrist, psychologist, social worker or educator, will see himself as being challenged by the lawyer and will wonder what entitled the lawyer to put **his** legal opinion ahead of a considered professional judgment. I think it should not surprise us to have things develop this way because the professional training in the various disciplines active in the broad field of human services has in general stayed clear of the legal area and, in particular, clear of any consideration of individual or personal rights. This problem will be more aggrevated as we move along. Where you have clear cases of abuse such as at Partlow, Willowbrook and Belchertown, the professional will be ready to move. But as we come to different types of cases where there is not this clear element of abuse, many of our colleagues in these various disciplines can be expected to feel that an unjustified attack is being made on their efforts to afford appropriate protection and planning to the mentally retarded and other handicapped children and adults. I think we need to recognize the wide hiatus which exists in our large country with countless independent jurisdictions between what is offered the court – quite correctly – as the optimum knowledge, the state-of-the-art some poeple call it, and the run of the mill practices which are found in countless programs. I do not mean to imply that heretofore we have not been concerned about substandard performance. But now the issues face us in much more cogent ways.

It was more than 10 years ago that Dr. Baldini, a chemist who was then chairman of the Education Committee of the National Association for Retarded Children, suggested to a CEC Conference that he had to question the all too ready characterization of certain retarded children as unable to learn. "How," he asked, "did anyone know that it was not the teacher that was unable to teach?" Today, when these "ineducable" children sit in classrooms and do indeed learn, we know how prophetic his formulation was. The teaching profession certainly has vastly increased its capacity to teach children with very serious learning problems. But mere reorientation in knowledge will not solve the problem of some of our educators. There is also the question of significant, long cherished judgments and attitudes. Some of you may recall the famous dialogue between William Cruickshank and Ignacy Goldberg as to the public school's responsibility toward the so-called "trainable" child. It appeared in the pages of the *NEA Journal* in December, 1958; and one of Cruickshank's points was that the trainable child was not entitled to public schooling because he could not return anything to society. I have often wanted to ask Maynard Reynolds (1970) and his Committee whether they had that Cruickshank-Goldberg debate in mind when they included in CEC's excellent position statement of April 1, 1971 precisely the opposite viewpoint, namely, that all children, without exception, are entitled to public schooling, regardless of the degree of their handicap, and regardless of their potentialities for making a contribution to society.

Here is a most amazing example of a complete reversal within a few years' time in a very important aspect of our work, and this is a good example of the need to change professional attitudes. It is also a good point to end my discourse. I just had to mention, somehow, the CEC position statement, which I think is a tremendously valuable document, deserving widest distribution.

Ladies and gentlemen, one final comment. Some years ago, Jack Tizard, the English social psychologist, professor of child development at the University of London's Institute of Education and pioneer in mental retardation research, stated that the next decisive improvement in the education of handicapped children had to come from the field of general education. Let me, therefore, close with a grateful acknowledgment of the presence at this conference of at least some representatives from the field of general education and with a reemphasis on the need to dismantle the barriers which for so long have separated the education of handicapped children from the mainstream of education in our country.

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part II
review of recent court actions

THE RIGHT OF ACCESS TO FREE PUBLIC SCHOOLING FOR ALL CHILDREN

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Litigation is busting out all over. There are now three lines of cases germane to your deliberations in these two days. The first began with the case of Wyatt V. Stickney(1) in the Middle District of Alabama. The most recent in that line is a suit brought by six young people in the State of Minnesota against six state schools and hospitals in your state. That line, of course, is the right to treatment line and is concerned with the rights of institutionalized retarded citizens to habilitation, care, treatment, and education in the least restrictive setting, with due regard to rights of privacy and the like. I will not focus particularly on that line of cases(2) but rather on the other two.

A second line is the access to education cases. That line began in Pennsylvania(3). It is concerned, first, with the proposition that the obligation of the states under the federal constitution and, indeed, under their own laws, is to provide a zero reject system of education – a free, public education to all children, and second, with the proposition that parents and children are entitled to be heard concerning the appropriateness of their educational assignment. Right to education cases have now come to decision in Pennsylvania and Washington, D.C.(4), in Michigan(5) very recently, and is pending now in more than a dozen other states(6).

The third line of cases begins with Diana(7), that is the line in which Martin Glick, from whom you will hear in a moment, is both expert and father or grandfather (No, in fact, Gunnar Dybwad is the grandfather of all of these cases). That line of cases is concerned with the standards and practices used in classifying children by educational assignment(8).

I would like to give you some brief recitation of the legal underpinnings of the access to education cases. As I indicated, they concern essentially two notions: one, zero reject education; and two, the due process right to a hearing.

The claim for zero reject education is really a straight forward one; it has rather simple bases in law and in fact. The legal basis of the claim to zero reject education is to be found in the decision of the U.S. Supreme Court in **Brown v. Board of Education**(9). In that case which, as you know, culminated some fifty years of cautious, planned, careful litigation strategy by the National Association for the Advancement of Colored People, the U.S. Supreme Court in 1954 unanimously wrote as follows:

> Education is required in the performance of our most basic public responsibilities. It is the very foundation of good citizenship. It is a principal instrument for awakening the child to cultural values, in preparing him for later training,

and note this next phrase,

> in helping him to adjust normally to his environment. It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. The opportunity of an education when a state has undertaken to provide it is a right which must be made available to all on equal terms(10).

That was the opinion of the U.S. Supreme Court in **Brown v. Board of Education.** Now, if it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education, then it is even more clear that a retarded child or, more generally, handicapped children, may not be expected to succeed in life if denied the opportunity of an education. Indeed, the risk to the handicapped child of the denial of an education is greater for he is in jeopardy not merely of success but of liberty and of life. You know very well that the rate of institutionalization of retarded children is significantly greater among those children who have been denied access to education in the community; and, you know as well, that for want of those self-help skills which a proper program of education and training would provide to the child, to the retarded citizen, the death rate in those institutions for want of those self-help skills is considerably greater than it would be.

So the jeopardy is not merely jeopardy of success. Beyond that, ordinary children may be expected to learn by wandering in the world, watching television, riding the school bus. A retarded child, however, a handicapped child, requires a formal structured program of education and training if he or she is to learn.

The factual basis of the argument to a zero reject system of education is equally clear and straight forward and rather familiar to you especially. It is that there is no such thing as an uneducable and untrainable child. Or, to put it another way, that every child is capable of benefiting from an education. Or, to put it still another way, in terms of retarded children, for every thirty retarded children, with a proper program of education and training, 29 may be expected to achieve self-sufficiency, both financially and socially; 25 of them in the ordinary way and 4 of them in a sheltered environment. The remaining one of every thirty retarded children, with a proper program of education, may be expected to achieve a significant degree of self-care. That is the fact, and that fact is very clear now. It was not so clear 40 or 30 or even 18 years ago when Pennsylvania and other states were writing laws which excluded great numbers of children from schooling.

In a real sense, of course, the facts had changed in that time. The work that you and your colleagues have done has significantly altered the facts. We know it is possible to teach handicapped children, and we now know it is possible for handicapped citizens to learn. In making the claim for the right of all children to access to a free, public education before the federal court in Pennsylvania those facts, new and thorough going, were presented to the court through the testimony of your colleagues, Ignacy Goldberg, James Gallagher, Don Stedman, Burton Blatt, Gunnar Dybwad and a host of others in reserve.

Litigation is busting out all over. What has happened is that some lawyers have finally come alert to the best thought in your profession and have translated that thought into terms that the court can understand and act upon, into terms that sound of equal protection, into terms that have resulted, as in the Pennsylvania case, in orders requiring that all children must be granted access to programs — free, public programs — of education and training.

The circumstances of Pennsylvania in January of 1971, when 13 retarded children decided to go to court, were not very different from those circumstances that prevail in all of the states of the union. That is to say, Pennsylvania had a long constitutional tradition that said free public education was for everyone(11). Indeed, at one point in the education code itself, the legislature said, "it is the obligation of the Commonwealth to provide a proper program of education and training to all of its exceptional children"(12). Despite those words and despite the professional commitment of those who led and administered the system of special education in the Commonwealth to the education of all children, that principle did not prevail.

It did not prevail partly because what the education code gave in one paragraph it took away in another. While the obligation to educate extended to all, still certain children could be excluded as "uneducable and untrainable(13). The admission of others could be postponed until they had achieved a "mental age of five"(14). Of course, that meant for any child whose attributed I.Q. happened to be below 35 that this child could never be admitted to schooling. Rather, that child's admission could be postponed forever because, as such things are calculated, that child would never achieve a "mental age of five." And, yet again, some children can be excused from education if they are found to be "unable to profit therefrom"(15).

And, apart from the words of the law which authorized exclusions, there had grown up a laundry list of practices not sanctioned by the law by any means, but nonetheless widespread, that resulted in the denial of access to education for children. A child presents himself at five: Unh-unh. Go away. Come back when you're eight. There was a confusion of compulsory school age with the age at which children are entitled to attend. You reach the age of seventeen, the top of the compulsory school age bracket: Well, go away. You're not toilet-trained. Well, go away. You disrupt the class. Well, go away. And the rest. This series of devices, some sanctioned by law and others not, had led to the exclusion in Pennsylvania of numbers of handicapped children, numbers unnumbered. For in Pennsylvania, as in every one of your states, while the school code required that a census be maintained of all exceptional children, those in school and those out of school, in Pennsylvania, as in every other state in the union, no decent count existed.

That was the situation and those were the arguments that were addressed to the court. The comeuppance, as you know and as some of the materials you've received record it, was a preliminary order on October 7, 1971, and a final order on May 5, 1972, requiring that the Commonwealth of Pennsylvania and all of the school districts in the Commonwealth provide access to a program of education and training appropriate to each child's capacity, access for all retarded children of school age, 6 to 21, and access as well, effectively, for all retarded children from the age of 4. All of the invidious practices and provisions that we've talked about the court said "no" to, and specifically enjoined their use. Further, the court stated and let me quote from the order and consent decree, paragraph 6:

> Having undertaken to provide a free public education to all of its children, including its exceptional children, the

> Commonwealth of Pennsylvania may not deny any mentally retarded child access to a free public program of education and training.

And paragraph 7:

> It is the Commonwealth's obligation to place each mentally retarded child in a free public program of education and training appropriate to the child's capacity within the context of a presumption that among the alternative programs of education and training required by statutes to be available, placement in a regular public school class is preferable to placement in a special public school class, and placement in a special public school class is preferable to any other type of program in education and training(16).

Those injunctions were effective immediately for the thirteen individual plaintiffs in the case and for the class of all out-of-school retarded children in the Commonwealth of Pennsylvania, "as soon as possible and in no event later then September, 1972."

The Commonwealth and the defendant school districts were enjoined to prepare certain plans: One, to identify, locate and evaluate all out of school children, and two, to prepare and to deliver the education and training to each of those children. And, as you know, the court appointed two masters to oversee compliance with these orders. The Commonwealth created a Right to Education Office to implement those orders, and – what I view as the crucial elements in implementation. A state task force, composed of the Education Department, the Welfare Department, the Governor's Office and the Pennsylvania Association for Retarded Children, and 28 local task forces, composed of the county superintendent of schools and director of special education, local welfare-mental retardation officials, and the local chapter of the Association for Retarded Children were convened for continuing negotiation and overseeing of the implementation process. By January of 1973, 19,000 out-of-school children had been identified; and most had been accorded access to free public schooling.

Well, that's zero reject education. It gets out-of-school children into school, but to what then are they entitled? They have access, but does access give them education? You'll note that the court's decrees on access were framed in terms of granting to every retarded child access to a free public program of education and training appropriate to his capacity. The language was borrowed from the education code of the Commonwealth of Pennsylvania. Similar language was adopted by the court in the **Mills** case in Washington, D.C,; but is that just again another hollow formulation of words? The education should be appropriate to the child. It should be a "proper" education as indeed the statute had said in the beginnng.

In relation to that question, the plaintiffs had presented to the court another claim. Namely, the claim for a due process hearing upon any change in educational assignment of any child and after any assignment to special education, periodically for the duration of that assignment.

That claim rested on the common sense notion that, if assigned to the **wrong** educational program, the child would receive no education at all and in effect would be denied access to schooling. But second, the argument rested upon those facts which have come seriously to our attention and which the **Diana** case had addressed in a different way.

Mort Garrison and Don Hammill's study, published in the *Journal of Exceptional Children* in September, 1971, reported the results of a survey of five-county metropolitan Philadelphia, a survey of children in EMR classes. Garrison and Hammill concluded that in five-county metropolitan Philadelphia, at least 26 percent, and very likely as many as 68 percent of the children assigned to EMR classes did not belong there, they had been mis-assigned, they belonged in regular classes. As you know, that study and its results are by no means unique. Jane Mercer and others have found similar things across the country.

It happened that the U.S. Supreme Court had in the winter of 1971, decided a very interesting case that was very much relevant to this state of facts. The case was called **Wisconsin v. Constantineau**(17). Mrs. Constantineau lived in a little town in Wisconsin. The sheriff of that town was authorized by the laws of the state of Wisconsin, whenever he saw someone publicly drunk too often, to post that person's name in the town square and outside each of the taverns in the town. Mrs. Constantineau found her name posted, and she did not particularly like it. She went to federal court. The federal court said, and the Supreme Court agreed, that indeed her name could not be posted outside the taverns and in the town square without her first being given the opportunity to contest whether indeed she had been publicly drunk too often. In that case the U. S. Supreme Court said as follows:

> The only issue present here is whether the label or characterization given a person by posting, though a mark of illness

> to some, is to others such a stigma or badge of disgrace that procedural due process requires notice and an opportunity to be heard. We agree with the district court that Mrs. Constantineau's private interest in her good name is such that those requirements must be met. Only when the whole proceedings leading to the pinning of an unsavory label on a person are in error can oppressive results be prevented(18).

That was the basis of our claim for a right to be heard on change in educational assignment and periodically after assignment to special education. To flesh that out just a bit let me indicate to you what the court ordered. No child's educational assignment could be changed, that is, he could not be moved from regular class to special class, from special class to tuition reimbursement, or to home bound instruction, among the varieties of special classes from EMR to TMR, to brain-injured, to emotionally disturbed, to whatever combinations of and types of programs there may be – no child could be so reassigned without first that child and his parents being given notice in writing of the recommendation for such a change and a statement of the reasons alleged to be the basis of that recommendation. If the parents choose to challenge that recommendation, then before that recommendation could be effective the child and his parents were entitled to be heard. The hearing was to be held in front of the Secretary of Education of the Commonwealth of Pennsylvania or his designee. That hearing was to be held in the local community at a time and place convenient to the parents. The parents were to have access to all of the child's school records before the hearing and to have the right of an independent evaluation of their child by the Office of Mental Retardation field offices in the various counties in Pennsylvania. The child and the parents were to have the right to be represented at that hearing by any person of their choosing, the chairman of the local PARC chapter's education committee, a next door neighbor, a special educator from the faculty of Temple University or Slippery Rock State College, a lawyer, and the right to confront and to question any and all of the employees of the school district who may have information germane to the recommendation and to present any evidence they wish. The decision was to be made by the hearing officer, solely on the basis of the facts put in front of him at that hearing, with the decision to be effective as the decision of the Secretary of Education of the Commonwealth.

Well, that's the due process hearing right. It obtains before any reassignment and it obtains, as well, periodically after any initial assignment to special education. That is to say, automatically every two years, notice of the opportunity of a hearing and a statement or reasons for the child's present assignment must be given to the parents in writing as per the discussion we've just had. And further, any parent who so wishes is entitled to that notice and to that opportunity to be heard annually. If that reminds you just a little bit of the contract notion of special education that Jim Gallagher has been talking about, it was intended(19).

That's the due process hearing opportunity, and that's zero reject education. Together they add up to what has been called the right to education. It means many things; and we can explore in just a moment in discussion, or begin to explore, some of the things that it means. It means that the language that many of us have spoken and responded to for a very long time is no longer appropriate. It means that with respect to the education of handicapped children a new language is required. Let me illustrate.

In the week after the court's preliminary order, October 7, 1971, the individual defendant school districts were obliged to place each of the individual plaintiffs in an appropriate program of education and training. A school psychologist from one of the defendant school districts visited the house of one of the plaintiff children shortly after October 7 and said, "We have the court order and of course will obey it. We have the court order, and I am going to do you a favor. We're going to give Kate another chance." The mother's response you've already grasped. It translates, "You're not going to give Kate another chance, you're not going to do her a favor, you're going to give to Kate that to which she is entitled."

In a second instance, a school psychologist visited the home of another of the children, and said:

> We have the order of the court and of course will obey it. If you want us to, we will put Luke back in school, we'll put him back in that class we had him in two years ago. You remember what happened there? It wasn't the class for him, really. Those children had different learning needs from his; and after two weeks he began to act up, to disrupt, to cause trouble. We had to call you to tell you to pick up Luke and take him home. Well, we've got the court order; and we'll put him back in that class if you want us to. But we expect that in two weeks we'll have to call you and tell you to take the child home. We'll give you the due process notice, of course, and the hearing and all of that; but, what good parents would put their child through all of that.

This mother's response was even more articulate than the response of the first mother, and it essentially said, "It is no longer the case that the child must fit the program, rather it is now the case that the program must fit the child." That is one of the implications of this line of decision.

There is a second set of implications. The right to education cases really do no more than to take the agenda of the best of special educators and to translate that agenda into rules, into procedures, into action.

Under the old regime a school psychologist, a special educator, having examined the child, diagnosed and prescribed an appropriate educational program for the child, and forwarded the recommendation to the superintendent. From the superintendent the psychologist received the reply, 'That's a beautiful piece of work. I wish we could, but we can't. Maybe in a couple of years we'll have a program like that, but we don't now.".

Under the old regime that special educator had little available to him but frustration, perhaps to return to his desk and slam the drawer and act out in other ways. But now, of course, the due process hearing opportunity, to say nothing of the substantive rules, provides him with rather new professional opportunities for, while in a real sense it is the child and the parents who can raise the quality of the child's education to the top of the school system and place the question before the Secretary of Education, it also is the case, in a real sense, that the special educator now may raise that same question and place it before the Secretary of Education, in a context where the rules say the child must be given an appropriate program of education and training. In this new context the special educator may insist that the rules and his professional responsibilities be discharged with respect to each of the children.

In summary, right of access to education and right to due process are **now**, and these rights represent a opportunity for special educators to provide programs and services heretofore considered out of reach for all but a few.

NOTES

1. 344 F. Supp. 387 (M.D.Ala. 1972), appeal pending in the 5th Circuit, sub nom, **Wyatt v. Aderholt**.
2. Right to treatment cases are pending now in Massachusetts, New York, Georgia, Illinois, Florida, Nebraska, Tennessee and Minnesota.

   Reports on the status of each of the cases discussed herein are available in two periodic publications: (1) Abeson, ed., *A Continuing Summary of Pending and Completed Litigation Regarding the Education of Handicapped Children* (available from C.E.C.); (2) Friedman, ed., *Mental Retardation and the Law: A Report on the Status of Current Court Cases* (available from the Office of Mental Retardation Coordination, H.E.W.); and from the National Center on Law and the Handicapped, South Bend, Indiana.
3. **Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania**, 343 F. Supp. 279 (E.D.Pa. 1972) (final opinion and order) and 334 F. Supp. 1257 (E.D. Pa. 1971) (preliminary order).
4. **Mills v. Board of Education**, 348 F. Supp. 866 (D.D.C. 1972).
5. **Harrison v. Michigan**, C.A. No. 38557, F. Supp. (E.D. Michigan 1972) (court will allow no more than a year for implementation of new state zero-reject legislation). See also the decision of the court denying a motion to dismiss and refusing to abstain in **Lebank v. Spears**, C.A. No. 71-2897, F. Supp. (E.D.La. April 24, 1973) and the subsequent consent agreement.
6. Access to education cases are pending now in Maryland, North Carolina, New York, Wisconsin, Rhode Island, North Dakota, Colorado, Nevada and California and will shortly be instituted in Indiana, New Mexico and Arizona.
7. **Diana v. State Board of Education**, C-70, 37 RFP (N.D.Cal. 1970); **Stewart v. Phillips**, C.A. No. 70-1199-F (D-Mass. 1970); **Larry P. V. Riles**, 343 F. Supp. 1306 (N.D.Cal. 1972); **Ruiz v. State Board of Education**, C.A. No. 218294 (Super. Ct. Sacramento, Cal. 1972); **Guadalupe Organization, Inc. v. Tempe Elementary School District**, C.A. 71-435, Ariz. (Phoenix Dist. Ct., Ariz. 1972).
8. In the most recent litigation questions of classifying standards and practices have been subsumed in the access to education cases.
9. 347 U.S. 483 (1954).

10. 347 U.S. at 493. The Supreme Court in its recent decision in **San Antonio Ind. School District v. Rodriquez**, U.S. , 93 Sup. Ct. 1278, 1295 (1973) upholding the present school finance system was at pains to reaffirm that language in **Brown**. Similarly, the Court was clear in **Rodriquez** that in the school finance matter before it, every child was assumed to be receiving at least "some identifiable quantum of education," but that if in another case the Court were faced with "an absolute denial of educational opportunities to any . . . children," the standards for judgment and the result would be different. 98 Sup. Ct. at 1298-99.
11. Pa. Const., Art. 3, Sec. 14.
12. Pa. Stat. Ann., Tit. 24, Sec. 13-1372.
13. Pa. Stat. Ann., Tit. 24, Sec. 13-1375.
14. Pa. Stat. Ann., Tit. 24, Sec. 13-1304.
15. Pa. Stat. Ann., Tit. 24, Sec. 13-1330 (2).
16. The quotations throughout are from the Orders, Injunctions and Opinion of the Court, reported in full at 343 F. Supp. 276 and in preliminary part at 334 F. Supp. 1258.
17. 400 U.S. 433 (1971).
18. 400 U.S. 436-37.

THE CALIFORNIA EXPERIENCE

Martin Glick
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First let me describe briefly what California Rural Legal Assistance or CRLA is so you have some idea of what I do and whom I represent.

CRLA is a 100 percent, OEO funded, legal services program in the state of California that has offices in nine rural counties throughout the San Joaquin Valley, the Imperial Valley, and the other agricultural valleys of California. Our primary client constituency is farm workers and in turn, of course, a great number of Chicanos. We provide legal services of every description to that group, ranging from simple matters like divorces, landlord-tenant matters and consumer matters, to more complicated matters such as what education our clients are receiving, whether it's adequate and in what ways it can be improved.

It's the latter that has led us into issues which I want to discuss with you. And really what I want to go over, if I might, is what I'll call the California Experience, and indicate why it happened, what it was, why I think the interests in large part of this group and of our clients are the same, and where, I think, there were very clear conflicts in the interests of what you're trying to do and of what our clients would like to see happen. Hopefully, we can avoid some of those conflicts by describing what, at least from my client's standpoint, the situation is.

The process which I am going to describe covers just about three years now. It started, legally speaking, in California with the case of Diana v. the State Board of Education. It continued with a piece of legislation the legislature called Senate Bill No. 33, which was authorized by Clair Burgener, and which has become law in California. The next step in that process is the case of **Larry v. Board of Education**, which I will discuss, and finally, the case of **Ruiz v. Board of Education**.

The problem is pretty simple; it's well described by the Civil Rights Commission as recited to the Committee of the House of Representatives, chaired by Congressman Don Edwards of Santa Clara County, California. The problem is that Chicanos are simply not getting an education in the schools of the Southwestern United

States or an education that is equal to their Anglo counterparts. In terms of dropout rate, if you're going to measure by that, at the end of twelfth grade, sixty, only sixty out of 100 Chicano students have graduated, whereas 86 of every 100 Anglo students go into the first grade and eventually graduate from the twelfth grade.

Of those who graduate, 57 percent of the Anglo students go on to college compared to 37 percent of the Chicano students. In terms of reading achievement, there are double the amount of Chicanos below grade level in reading as there are Anglos, and a significant fact is that it worsens through the school years. By the twelfth grade, 63 percent of the Chicanos are below reading achievement for grade level. In terms of grade repetition and "over-age" in Texas, it's significant to note that 22 percent of all Chicano students repeat the first grade, that there are eight times as many Chicanos as Anglos that are over-age by the eighth grade. Finally, in the only other measurement that has been considered extra curricular activity (this includes such things as cheerleading, student clubs, and student officers) Chicanos are significantly under-represented. That is true even where Chicanos constitute the vast majority of the students in the school district.

Chicanos, around the state of California at least, have considered the solution to this general problem of lack of education to be to stay in the public school system. To date in the dispute over public schools vs. the voucher system, they've made a clear choice to go with the public school solution. The reason is that an analysis of the voucher system shows that it would probably lead eventually into far less money for minority students to pursue their education and a very class conscious society. The strategy, if you will, of the Chicano student is to get into the mainstream, to be found in that classroom where the best educated Anglo kid is receiving his education. Chicanos should not be found in separate classes. At present, although in the same building, they are often in fact in a different school altogether because they are pulled out of regular classes and isolated in some "special" class. The "special" class is sometimes called "learning disability," "EMR," or "continuation school," or any of a variety of other names. By whatever name, it usually means inferior education.

That's the framework within which we examined the problem three years ago. The first obvious thing that came to our mind was the situation in EMR (Educable Mentally Retarded). The situation was that while Chicanos constituted 13 percent of the school children in California, they constituted 26 percent of the population of the EMR classes.

What we found, which is obvious to all of you who have worked in this area a long time, more than those of us who have just begun to analyze it, was that the schools really did have very little choice. What they had was a child who spoke a different language and who had a different culture. They had two programs, the regular program and the EMR program. The classroom teacher pressure and the pressure of some of the administrators was to get the kid who was a problem to them, whatever the description of the problem, out of that regular class and into some other place. The EMR class was the only other place there was. Thus, the EMR classes themselves and the EMR teacher were faced with what I am sure you are familiar, a wide variety of problems among a wide variety of children. In her class, the teacher would have genuinely retarded children, children who had behavior rather than intellectual problems, and Chicano and black children who were there because of culture and/or language that were different from the culture and language of the majority. It was a very difficult problem to try to educate these all simultaneously in any comprehensive fashion.

The client who really brought the matter to a head was Diana and her parents. They lived in a town of 5,000 called Soledad, California, which has more of a population of Chicano than it has Anglo, and in which twelve out of the thirteen children in the EMR class were Chicano. The children in the class ranged in age from 8 to 13. One of the children simply cried all day, or most of the day, and nevertheless, was kept in the same classroom with the other children. Sometimes the teacher would try to break the children in general groups, the 8- to 11-year-olds, and the 12- and 13-year-olds, but it's very difficult for one teacher to try and teach all of these children at the same time. The children were, obviously, not receiving any kind of education at all.

All twelve of the Chicano children had been placed in the class on the basis of English only I.Q. tests. In the case of all twelve, their primary home language was Spanish and not English. In the case of three of the twelve, they simply could not speak English at all. Looking back, it still seems unbelievable that the situation would have ever existed; but, in fact, when we pursued the investigation across the state, we found that this situation was not isolated. It was happening everywhere.

As a result, we brought in a Spanish speaking psychologist who retested the children. Diana's score improved 49 points, and other improvements were 22, 20, 14, and 10. Practically every child improved enough points by the scale that was then used in Soledad not to have qualified for EMR placement, at least on the basis of I.Q. tests.

I am really not going to go over with you today the arguments concerning I.Q. testing and cultural bias, language bias, and the like; but I am going to say for our purposes, and please challenge me later if you like, the present tests used, the **Wechsler Test**, the **Stanford-Binet**, the **Leiter Test**, are clearly culturally biased and not the appropriate instruments for use with Chicano children and black children, and were and are being used in California. If we want to discuss this to some degree later, let's do so; but I am not going to go over the sociological data supporting that conclusion.

We brought the case on behalf of every Chicano child in EMR classes in the state of California; and almost immediately after the case was brought we had negotiations with school officials in the state of California and agreed to a settlement that provides both interim and long range relief for the problem. That settlement called for retesting of every child in the language with which he was most comfortable, which, by the way, may be both languages because many children are simply not literate in either language or are unable to respond in anything that could be called either "Spanish" or "English." The settlement also applied to Chinese children and to other children whose primary home language was other than English. We called for the retesting to be done with reliance strictly on the performance section of the I.Q. tests and not the verbal section. (There were sufficient data to indicate that Chicano children do significantly better on the performance section of the test than they do on the verbal section, a conclusion which, by the way, had no validity for blacks).

The settlement also called for a look at adaptive behavior. It called for reports of instances in which the Chicano population of the EMR class exceeded significantly that which would be expected. It also called, eventually, for the development of culturally relevant, individually normed I.Q. tests or other measures to be used in the place of current measures.

As a result of the retesting program, 4,000 Chicano children in California were taken out of classes for the mentally retarded and placed in interim programs. The settlement also called for the State to develop interim programs to deal with the return to regular classes of the children removed from EMR classes. Every year since the legislature has appropriated money to do that.

The initial reaction of school personnel in Soledad was that the children were retarded even though they weren't properly tested. When we first talked to him, the superintendent said, "You know, I've always wondered how we could be analyzing these children when we were giving them tests in a language they didn't speak." But there clearly was belief in the school system that, in spite of the fact that all of these measurements were invalid, the children really just didn't have it and they would eventually get to the stage where they would all have to go back to the special class. The superintendent, in spite of his first statement, was a man who was sincerely going to give it a try; and an interesting and rewarding experience with those thirteen children followed.

The most outstanding example was a child who, within 8 months, was able to return to grade level in a regular class and has since then become a very high achiever in his age group. Four of the children are at basically normal level; some of the others are struggling along in their class. And I believe that two haven't returned to any class in their district. Very significant progress was made among those twelve children in that school district.

Statewide, one of the first reactions school districts found was that Chicano children scored higher on the I.Q. test when they were tested in their own language and when only the performance section of the test was used. So, instead of deciding that for I.Q. purposes EMR was 70, or two standard deviations, they decided that it was 75, or it was 80 or it was even 85 at some school districts, one standard deviation. Some districts actually raised the number to keep children in EMR classes. Thus, a piece of legislation with which many of you may be familiar and some of you may oppose, The Burgener Bill, was introduced and passed. In its initial form it provided that no child could be placed in a class for the mentally retarded if he scored less than two standard deviations, given the standard measurement of error, below the norm on one of the I.Q. tests.

That piece of legislation was modified amidst a tremendous furor in California before it ever became effective. The furor was basically led by Anglo parents who found that they had children who scored 75 or 72 or 78 or even 80 who, in the parents' judgment and the judgment of the school psychologist, would very clearly profit from special education in the EMR programs, but who could not, by state law, be placed in any EMR class. Thus, a modification was added to what is now the law "California Senate Bill 33" providing that upon unanimous recommendation of the placement committee, a child who scored less than two standard deviations below the norm could be placed in an EMR class. There were a large number of procedural safeguards to make sure that "unanimous consent" would not be a device to put Chicano children back into EMR classes. One important safeguard is that which requires reporting to the state of every such instance and reporting to the state of the ethnic background of every child placed by the unanimous consent procedure.

As far as the results of Senate Bill 33 are concerned, I can only tell you that the returns are not in. California, like most states, is a year behind in providing statistics of the composition of its classes and its special classes program so we don't have that statistic yet. The informal reports, however, indicate that there has been a very great change. The number of the Chicano students, in fact all students in EMR classes in California, has significantly decreased. But we won't have the full results of that for awhile.

In addition, in Senate Bill 33 there is a requirement that for any EMR placement you must have parental consent. Tom Gilhool and I have long had a dispute about this whole hearing thing. He proposes to accord to parents the right to a hearing if they are dissatisfied with the placement given to their child. We in California are opposed to hearings as the solution to the problem of improper EMR placement. Because of unanimity of feeling between us and the State Department of Education in California, we have a requirement of parental consent. If a parent is dissatisfied and does not believe his child will profit from placement in the EMR class, he simply says "no"; and there's no hearing, no special tribunals and all of the rest of it. While for lawyers hearings are as often a very attractive alternative, the fact is that a vast majority of these parents in this situation will not have legal counsel or probably any other counsel. The hearing system will be foreign and frightening; and the actual number who will find themselves dissatisfied with the placement, who would go through a hearing process and pursue it, we were afraid would be quite limited. The

The right of the parents to have the say in this matter is so important that we simply go to the system of consent, a system which, by the way, was just unopposed. Practically every school district person with whom we talked said that they require it anyway because a program can't run where the parent is opposed to the placement of the child.

Now, again, I want to reemphasize that the history I am reviewing is a process of steps taken by our clients in demanding that improper placement be stopped. I think that it's fair to say that each step along the way becomes what one might call a little bit more drastic than the preceding one.

The next case that was filed was the case of **Larry v. Riles**. It is in the summary that is given in your material.

Blacks in California represent 9 percent of the school population and 27 percent of the placement in EMR classes (3 to 1).

The Larry Case calls for a moratorium on the use of all individual I.Q. tests used in placement of black children in classes for the mentally retarded, and it calls for "ceilings" which I want to come back to on the placement of black children in classes for the mentally retarded. The plaintiffs in that case are black children who reside in the San Francisco School District.

I note on your program that Martin Dean, the superintendent of the San Francisco School District, who is a defendent in that case, will be speaking to you tomorrow. I just want to say that we had extensive negotiations with the San Francisco School District; and the District basically agreed that they would like to give the relief called for in the case, or at least most of it. Unfortunately, state law simply prohibited the school district from unilaterally giving much of the relief which the plaintiff sought in that action.

The action contends the obvious which, I suppose, we ought to say again, that, for a child who is not in need of special education who is a "normal" child, a placement in a EMR class if harmful. Now in fact, we found in individual instances that a child actually profited more from an EMR class, in terms of what he got there, and the individualized attention he got there, than he did in the regular program he had in school, mainly because the regular teacher just couldn't cope with the child. But certainly it was the consensus of all the parents concerned that the EMR label and the child's comprehension of it were so harmful that it didn't make any amount of additional education worthwhile that the child might receive from the improper placement. For most of those children improperly placed in an EMR class the curriculum simply is not going to provide the kind of education that that child needs or deserves.

Quite recently the court, the federal district court in the Larry Case, issued a sweeping preliminary injunction, not indicated in your materials. I want to go over with you a little bit of what that court order says because I think that is very significant in terms of where we are going in this whole area.

The preliminary injunction only applies to the San Francisco school district where blacks constitute 9.1 percent of the school population and 27.5 percent of EMR classes. The court stated as follows in its opinion:

> Accordingly this court is of the opinion that, if plaintiffs can demonstrate that the I.Q. tests challenged herein are the primary determinants of whether a child is placed in a EMR class, and that racial unbalance exists in the composition of such classes, then the burden must shift to the defendents to demonstrate the rational connection between the tests and the purpose for which they are allegedly used.

This is very, very important language in how courts address problems. What is says is that, if I.Q. tests are a **primary determinant** and if there is racial unbalance, then the school has the burden of coming forward to prove that such placement is essential or else the school will be enjoined.

Now, and very important, in the San Francisco School District parental consent is required for placement. It is not just a paper requirement; it is in fact explained to parents. Adaptive behavior is a standard which must be looked at in placing children, and its evaluation must include a visit to the home. That requirement is in the Code in the State of California and that, too, was allegedly practiced in San Francisco. There is an assessment board in the typical fashion found in most states. In spite of all that, the judge found that in San Francisco I.Q. tests were so important and maintained such an importance throughout California that the I.Q. tests still constituted the **primary** data relied upon. He, therefore, enjoined further use of individual tests for EMR placement in the San Francisco School District. That order stands at this moment. The case will go to trial in May or June. The result after the trial will affect the entire state of California.

The **Diana** Case itself, as you may remember in my earlier description, required development of a culturally relevant test as the long range relief and, basically a period of two years to get that started. Two years plus is the lapse since the Diana order, and **relevant** tests have not been forth coming in the Diana Case. Therefore, the Case is once again alive or is about to be alive and may be consolidated with the Larry Case. Those two cases will probably go to trial together.

A very important element in those cases, and again there is a further escalation when parents do not obtain relief from improper placement, is the requirement of "ceilings." The cases seek for the court to impose ceilings upon placement by ethnic group in classes for the mentally retarded. The measure of the ceilings is the percentage of "Anglo" children who are in the class. Thus, if 2.1 percent of the Anglo children are placed in EMR classes, then no more than [illegible] percent of either the black or Chicano children may be placed in the classes.

Some fair relief like that is necessary from the point of view of our clients because, if you're going to take away the I.Q. tests and just say to the schools, "O.K. you do it" then, without some effective way of judging what's happening, you may have a worse evil than you had at the outset. That (fair relief), too, is prayed for in the case.

The court could issue appropriate relief. For instance, it could say that it was not going to issue that relief but was going to say that, if placement of minorities in EMR deviates by more than 5 percent from placement of Anglos, then it will enjoin that practice or it could say 15 percent, or whatever. All of those alternatives will be before the court when it considers the case.

Jane Mercer's studies in the city of Riverside are extremely significant from our point of view. Jane Mercer, after use of her adaptive behavior scales, in conjunction with the Wechsler Test, found that an identical percentage of Chicanos, Blacks, and Anglos were identified to be in the category which would profit from EMR special segregated education. Her results should put to rest the theories advanced by some that the large numbers of Chicanos and blacks in retarded classes is due to genetic inferiority, the nutrition of children, and the placement of Anglo children in private institutions.

All of these arguments were before the court in the San Francisco Case period. And to date at least, all have been rejected by the judge in the **Larry** Case as the primary causes for the disparity that exits. HEW seems to indicate that 5 percent deviation is that figure which ought to be considered "significant [illegible] the 5 percent figure was presented to the Edward's Sub-committee as a good indication of improper placement.

There are a couple of other things which you should consider. There is a damage action filed by a San Diego school child against the school officials who were responsible for the over-placement of Mexican-American children in classes for the mentally retarded. Now, of course, the plaintiffs in that case probably will have to prove willful or gross negligence or very clearly negligent activity on behalf of the school officials.

We suggest to you that the **Diana** plaintiffs probably could have recovered damages if we'd gone that route. Placement of a child on the basis of tests which are in a language other than what he speaks clearly would qualify as grossly negligent conduct. The courts might conclude that there is grossly negligent conduct if the disparity of placement of minorities in the nature of three to one, or two to one, continues to exist.

Another case you should know about is the case of **Ruiz v. the State Board of Education** of California. That case seeks to eliminate totally from all aspects of the school system any use of group I.Q. tests. These scores are given to teachers, and the score leads the teacher to expect low performance. A self-fulfilling prophecy ensues.

Group I.Q. scores are also used for placement in gifted classes. The whole question of gifted programs could be discussed here for an hour or two or three. In gifted programs there are very few blacks and Chicanos. In fact, the underrepresentation is usually even greater than the overrepresentation of minority students found in EMR classes. Litigation on that is just around the corner. One case in San Francisco concerning a special school used for gifted children (the Lowell High School) addresses to some extent the problem of gifted classes which are nearly all Anglo. The criterion for assignment to Lowell is not just simple reliance on group I.Q. scores. In fact, I.Q. tests don't play much of a role at all. What is relied upon is the use of high school grades. The problems involved concerning unfair grading of minority students is beyond the scope of our discussion today. (There is another interesting thing in the Lowell Case. To get into Lowell High School a boy must have a 3.1 grade average, and girls need to have a 3.4 grade average. This is because the city of San Francisco maintains that it is educationally helpful to have the same proportion of boys and girls in its school; and, since girls get higher grades than boys, it's essential to raise the grade-point entrance requirement for girls. That case is now in the Court of Appeals.)

At the same time that we filed the **Ruiz** Case to abolish use of group I.Q. scores for any purpose, we introduced a bill in the legislature to accomplish the same end. A second bill was also introduced to eliminate state-mandated I.Q. testing.

A second bill (authored by Assemblyman LeRoy Green) was passed and signed by the governor and is now a law. After November there will be no further mandated group I.Q. tests required by the State of California. It will be the local district's option.

Our bill, the one that Jane Mercer came to Sacramento and testified in favor of school districts using group I.Q. tests, also passed the legislature; but it was vetoed by the governor and is not law. Consequently, The **Ruiz** Case is still alive and will be argued before the court. The argument is fairly simple. Group I.Q. test results, in most respects, are virtually the same results as you get from a reading achievement test. The score from group I.Q. test might be somewhat useful in correlating it with the reading score. I say **might** because I don't believe it. In fact, the reading section of the *Lorge-Thorndike Group I.Q. Test* correlates better with the reading achievement test than the reading achievement test correlates with itself given twice. And so at best, very little useful data are obtained from a group I.Q. score.

On the other hand, **great harm results from it. The score has very, very little validity for a Chicano child since the I.Q. tests are uniformly in English and are not culturally relevant.** The teacher sees a child's score, and at best she ignores it. The parent sees the score and may have even more expectations concerning her child than the teacher who might, in fact, know that that score is not worth very much. Further, counselors see the score. They are, among school personnel, the worst in terms of their reliance on group I.Q. test scores. The California Association of School Psychologists has recognized the unreliability of group I.Q. tests and has moved to eliminate reliance on them. They supported our bill before the legislature. The state of New York abandoned group I.Q. tests long ago.

The other thing I want to tell you about is the Title One guidelines in the state of California because those are significant in going into the next phase of relief for improperly educated minority children. The guidelines now prohibit any semester-long segregated placement of children away from the mainstream of education — **any**. Decisions to take the child out of the regular classroom and place him in a language laboratory or any other special facility that is available in the school have to be made day-by-day. The child can't be analyzed at the beginning of the semester, diagnosed as problem Z, referred to placement Z, and then looked at six months later. That includes English as a Second Language (ESL) programs or any other program with whatever prescription you might name. We think that guideline is a very, very large step forward toward the result we are trying to reach.

Additionally, the new guidelines abandoned the old measure of "year-for-year gain" as some kind of important progress. A child who is of eighth grade age and fourth grade achievement who progressed in ninth grade to fifth grade achievement, has not been successfully dealt with. Nevertheless, such progress has been viewed as success. Ultimate success in Title One is now to be measured by means of trying to reach your equivalence as the goal — the overall goal of the program. If that surprises you in any way, I don't think that it should. We talk in terms of what Chicano parents and black parents are looking for out of the school system, that is, the most innovative program there is; and then they find that the goals of that innovative program would keep them as far behind as they are now. You can see where they might be alarmed by that as the stated goal of the program itself.

Then finally, before going to questions, I want to emphasize what I said about the **Serrano** Case during Tom's presentation. Litigation and court orders **are the least constructive ways to deal with problems in education.** All of us who are finding ourselves dealing with school systems have to conclude that litigation is just the last resort when there is nothing else available and no other way to deal with problems. If you're alarmed by the progression (and it's happened in EMR litigation) from first requesting simple revaluations of children, then when that didn't work going to the two standard deviation cut-offs, then when there was still improper placement, asking for ceilings on placement of minorities in EMR classes and for moratoriums on individual testing, and to wherever we will go next, then the answer is for the professions to join with us in re-analyzing what has caused the problems and to come up with constructive ways to stop them from happening.

The following several pages represents responses to questions from the attendees.

We would like to hear your questions and concerns.

Question 1: **You spoke of "year-for-year". Can you enlarge on that, describe it, and give some indication of how to handle it?** *Answer:* "Year-for-year" is a short hand term. I think that most of you are familiar with it; but again, in the example, if a student is of eighth grade age and fourth grade achievement when you reach him, year-for-year gain as a goal says that by next year when he's of ninth grade age, let's have him at fifth grade achievement. Many of the private companies which are selling Title One programs, in fact, come in and say, "Money back guarantee, we'll get you year-for-year gain if you buy our equipment." What the Compensatory Education Bureau in California decided was that year-for-year simply was not an adequate goal. We should always be seeking ways to bring children up to age level achievement. There was no panacea, of course, described in their regulations. They didn't say, "And the way we'll do that is ABCD." I think that the impact of the new regulation is clearly going to be subtle, that is, by rededefining what it is that the program is to do. Then, I think that the approaches that the people will take, in terms of trying to reach those ends, will become more innovative and more useful. I know that there has been a lot of criticism of the Title One program, but Title One is really the frontier in education. Constructive uses of money, trying out new techniques, the whole use of teacher aides, and a number of other possibilities have been carried out successfully in some school districts in California with Title I money and then have been adapted for the regular programs as well. We are very hopeful that this new program concerning nonsegregation of students on a permanent basis, out of the class, will again serve as a model for how to treat children generally within the school district.

Question 2: **Is there periodic renewal of parental permission for EMR placement?** *Answer:* No, there isn't. It is common practice in the school districts to go back to the parents with reevaluation as required on an annual basis. This may include discussion with parents; but there is no formal requirement to my knowledge in the code that the parent be required to sign a new form at the end of the school year to show continuing consent for that placement. Maybe we ought to have it, but we don't. When the parent consent requirement was introduced in the legislature, there was some fear that you would run into some parent who would object to special education for his child, even though everybody in the school, the psychologist, the teacher, and the others said that this child should really receive special education and that it would be to his benefit. The parent would be dissatisfied with that or wouldn't want to recognize that situation with his or her child and would object. But that fear has been imaginary rather than real. In fact, the whole involvement of parents in the school process (which is mandated here in terms of consent) is of great importance in Chicano culutre. I don't know of anything that is more important to Chicano parents than the education of their children. Parents are looking for ways to get involved with the school district.

Question 3: **What happens, then, at the end of six months or a year if the parents are dissatisfied with the program and think that another program, or the former program, would be better?** *Answer:* Although the school is not required to go back to the parent on any periodic basis and check with them, if the parent ever withdrew his consent for the placement, the school would be required to return the child to a regular program.

Question 4: **Is the consent written?** *Answer:* The answer is "yes." And, by the way, our experience was that, at least 75 percent of California's school districts did have the written consent requirement. In fact, even though it was not required by the law, no real big change was made.

Question 5: **For Mr. Gilhool. Please comment on the question of the hearing system in consulting a hardship on the parent, and is this perhaps an inadequate avenue for the parent?** *Answer:* We don't know yet. The analogous experience morally suggested in some ways is a hearing procedure in public assistance grants and termination and reduction. The experience is that some miniscule fraction of the number of public assistance recipients whose grants are terminated, actually request hearings, and a miniscule fraction thereof, go to hearing. That's probably the experience in most hearings systems, even those that are not created for that class of citizens who are poor or otherwise stigmatized, and who, hence, are less able to take advantage of the hearing system. Even with a low rate of participation, there is some evidence, from the welfare side of things, that the hearing system does, nonetheless, change administrative behavior. In the public system context, where a case worker is in doubt about whether to terminate, whether eligible or not, the doubt, in the presence of the hearing, possibly can be resolved in favor of the client. We are looking for a similar kind of effect from the hearing system on the education side. That effect, of course, tends to be discounted as you have had fewer and fewer hearings.

Second, anticipating this difficulty, and I don't want to underscore too terribly much the difficulty side of it because I regard it as an opportunity as well, but anticipating this difficulty, the consent agreement in the order requires that the hearing and the notice of the right to a hearing that is delivered to the parents in writing, specifies the address and the telephone number of the local chapter of the Pennsylvania Association for Retarded Children. There are 57 chapters in Pennsylvania's 67 counties. The notice must also specify the address and telephone number of the MR unit that, in some ways, has an advocacy function. Third, the notice must also specify the address and the telephone number of the local Legal Services Program if such exists. That was addressed **to attempt him to overcome** the difficulty we had, as well as **sidebar** agreement, with the attorney general that I suspect is not being implemented as of this day. Bill can confirm it one way or another. That was an agreement that copies of the due process notice of each and every one would be sent to the local chapters of the Pennsylvania Association for Retarded Children. And that raises some privacy questions on the down side. On the up side, sending that notice obviously is an effort to begin to work what we in this world so blithly talk about, advocacy.

Let me go then from the difficulty side of it to the opportunity side of it. Obviously the hearing system will work best, and perhaps will only work as there is a parent movement, a parent movement that is both on top of the occasion for hearings and is prepared psychologically in energy terms and in terms of knowledge to work the hearing system. There is analogous experience in welfare rights organization. The Pennsylvania Association for Retarded Children has produced the beginning, the first draft of what looks like parent right handbooks or right to education handbooks. They are available from the Department and from the Pennsylvania Association for Retarded Children. This is one effort. The other side of that, of course, is that not only is the parent movement necessary to make the hearings work, but the hearings are an opportunity for the parent movement, the consumer movement, to grow and to gather strength. (Back to Mr. Glick) Let me just add that from a standpoint of our clients, we're just gravely concerned about hearings. I mean, ideally we shouldn't have them; I don't think that there can be any doubt about that. Ideally, we simply wouldn't have to go into advocacy where parents and teachers and administrators and everybody are aligned against each other, thus bringing in somebody independent and having to spend a lot of money and a lot of time that could be put to much better use than going through advocacy hearings and procedures to determine placement of children in proper programs. Ideally the parents would be involved in the program. They would have the necessary knowledge about the program and the school people would have the essential trust in the parent judgment so they could work together without going through all of this. It may be, as Thomas indicated, that the hearings are just inevitable because you're never going to come together and the parental involvement in the school is absolutely essential. There is no question about it. If there's to be a successful educational program, parents must be involved and aware.

I don't know where we're going to end up on hearings, but I wish there was some intermediate way to do things. Tom [Gilhool] described the reaction of one referee in a hearing where he told the school to adopt a system of education that the school didn't have before. Now, if he can find referees that are willing to make orders like that, then they're sure not welfare referees. But if you can adopt the kind of system where the referee has that kind of power, why I'd like to see it instituted in California tomorrow because that's the most progress of that type of which I've ever heard in any situation. I suspect that those kind of orders from referees are part of the system under the State Department of Education. You're not going to have them very often. I think that it is helpful that we have both kinds of programs running together so that we can look at the results over the next three years and see what develops in Pennsylvania, California, and several of the other states.

Gilhool: Yes, let me second that. I have the notion, for example, pending your experience with the hearings in Pennsylvania, Washington, D.C., and numerous other states, that in fact, the hearing might be the appropriate and the best mechanism for accountability in ordinary regular education. In fact, it may be, in terms of administrative devices, the most efficient and useful way to structure accountability and to individualize instruction plans and to test individually the results of instruction. In some ways that echoes comments that were made here earlier, that much of what we were talking about today is cause for alarm. In some ways I think that it's a reverse. Much of what we were talking about today is happening in special education and may, indeed prove to be the sort of change that will be generalized to general education.

Question 6: **In Illinois we have a law which gives parents the right to appeal. There's provision for local hearings and then appeal to the state superintendent of public instruction when the parents don't agree with the local decision. The law says specifically that the state superintendent has the responsibility to hear and decide appeals. Do you think that, in such a law, the state superintendent could do his job by merely reviewing transcripts of the hearing at the local level without actually holding a hearing?** *Answer:* Well, if the court system would be analogous, that would clearly be a proper system, especially if the superintendent had the discretion to decide to hear an argument personally if he felt that that would be important in the individual case. I think that you can have no system, or you could have a system like that, where the superintendent looked at that which went below, and made a decision. I think it should be helpful to avoid the welfare situation. In the welfare situation all referees' decisions come to the head of welfare; and he has the power unilaterally, without hearing, without anything else, to reverse decisions, change them, modify them, or do anything that he wants to them. So, in fact, the referee is merely a functionary of the department who sits and hears things, but it really doesn't matter what he says. It goes up for a policy decision anyway. I think if the superintendent became involved in a system like that, it would just clearly be, "I'll hear what you have to say, but then I'll make my decision." That kind of system would be clearly far worse than no system at all; but if it's simply a review function like the Supreme Court of the U.S. receiving written papers deciding on whether to hear the appeal on the basis of the papers, or deciding whether to have oral argument, that would clearly be a proper way to do it.

THE BOSTON EXPERIENCE

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As preface to a review of the Boson experience, may I offer some information that will give what I trust will be a useful background to our present involvement in litigation regarding handicapped children.

1. Boston has a school population in excess of 97,000 children with a parochial school population of 29,000. It is necessary to note the latter figure because few children with handicaps are served by the parochial schools. Therefore, incidence for most special services levels needs to be computed on the basis of the combined populations of public and parochial schools.

2. Six years ago Boston moved to a decentralization of field operations with the city divided into six Areas, each under the administration of an Area Assistant Superintendent. In order that the Areas would be racially balanced, the configuration of each Area is roughly wedge-shaped, with the narrow point of the wedge located in the predominately black Roxbury section of the city and the wider part moving out to the city limits.

3. At about the same time that school decentralization was effected, the community mental health structure was determined for the State of Massachusetts. Five catchment areas were established in Boston, no one of which was contiguous with the school areas. The complications that result from overlap or the lack of overlap are particularly significant in the consideration of programs for mentally retarded and emotionally disturbed children for whom both the School Department and the Department of Mental Health have responsibility.

4. Just two years ago, in a reorganization of central school administration, the various special services (Education of the Mentally Retarded, the Emotionally Disturbed, the Deaf, the Vision Handicapped, the Perceptually Handicapped, the Physically Handicapped, and the Speech Impaired) were consolidated under one Associate Superintendent along with attendance, school health services, guidance, pupil adjustment counseling, educational investigation and measurement, and bilingual education. In Octo-

ber of 1970 I took on the position of Associate Superintendent for this consolidation. A management study done jointly by MIT and Harvard had recommended this fusion and had also advised the appointment of a Director of Intervention Services and of Supportive Services.

5. In September of this year (1972) our new Superintendent proposed that organizational realignment of certain administration be considered. A study is currently underway to bring about more effective central administration without expenditure of additional monies.

6. The School Department is presently involved in three legal actions related to Equal Educational Opportunity for racial minorities, one brought by HEW and HUD charging failure to comply with the Racial Balance mandate and to provide appropriate educational programs for Spanish speaking students; the second brought by NAACP charging failure to meet the desegregation requirement; and the third brought by the School Department against the State Department of Education for release of $52,000,000 of reimbursement withheld by the State because of the School Department's failure to comply with the Racial Balance law.

7. Finally a significant change in the State Department of Special Education occurred one year ago when a new position of Associate Commissioner for Special Education was created and filled by Dr. Joseph Rice, who came from the California Board of Education.

I do not mean to overload this introductory component with details, but I believe it is essential to understand the nature of the activities that have been taking place in the school system at large in order to make a fair judgment about the effect of legal actions in the special education sector where the roots are deep, with a school for the deaf that celebrated its one-hundredth anniversary in 1970 and programs for the mentally retarded that began in 1899.

Now to our experience in litigation. The Boston experience which I shall review is related to two suits brought against the Boston schools and to a third suit, the outcome of which will have significant implications for educational programs for retarded children who are residents of the city but who have been patients in the Belchertown State School in Massachusetts.

The first suit, Association for Mentally Ill Children (AMIC), Lori Barnett **et al** vs. Greenblatt, Lee **et al** is described in CEC's publication: *A Continuing Summary of Pending and Completed Litigation.*

The second suit, Stewart **et al** vs. Phillips **et al** is referred to in the April, 1972, *Focus on Exceptional Children* in an article by Dr. Weintraub on *Recent Influences of Law Regarding the Identification and Educational Placement of Children.*

The third, Ricci **et al** vs. Greenblatt **et al**, is also reviewed in the CEC report.

There has been no **complete** settlement of any one of these actions although developments in the areas of regulations and legislation relative to the issues in the first two cases have come rapidly in the wake of the suits and have changed considerably the conditions that prevailed at the time they were initiated.

The third suit, the class action suit brought by parents of patients at Belchertown State School, is presently being heard in the U.S. District Court.

In the case of AMIC vs. Greenblatt, the plaintiff, Lori Barnett, was awaiting placement in a residential program for emotionally disturbed children. In Massachusetts such residential placement must be recommended by an approved child psychiatrist and can be funded by the State through the Bureau of Special Education. Massachusetts statutes require mandatory provision by local school districts of a program of education for the emotionally disturbed in regular public schools or through the use of home tutors depending on the recommendation of the psychiatrist. The law also permits the State Department of Education, on the request of parents and with the approval of the Governor, to send emotionally disturbed children to private residential and day schools in and out of the Commonwealth at State expense. Responsibility for effecting placement in a private day school or a residential school belongs to the parent. This facet of the program, coupled with the fact that sufficient funding for meeting the tuition payments of all children recommended by psychiatrists for private day care or residential school was not provided by the legislature, results in numbers of children **unserved** in programs recommended for them. As of December, 1971, the bill for private day or residential treatment for 1251 Massachusetts children was $8,514,000 – an average of about $6800 per child.

Parents who are financially able wholly or in part to provide for the support and care of their children in attendance at private day care or residential schools may be required to reimburse the Commonwealth.

At the time the AMIC-Barnet suit was brought no residential placement was available for Lori and she was awaiting placement in a class for the emotionally disturbed in the Boston schools. The capacity of our classes in Boston had been reached and to add Lori to a class already at capacity was impossible. The full quota of teachers for the emotionally disturbed had been employed as well as aides for the program. As a result of negotiation between the plaintiffs (AMIC and Lori's mother) who were represented by the Harvard Center for Law and Education and the Boston Legal Assistance Project and the defendants (the Boston School Committee, the Superintendent, the director of the program for emotionally disturbed, and me) represented by the City's Assistant Corporation Counsel, it was agreed that Lori Barnett was to be placed in a class for the emotionally disturbed as soon as the services of a teacher's aide for this class could be obtained. Her mother was to be notified in writing of the placement. The School Committee approved the hiring of an aide above and beyond the quota set by the budget thereby making possible a placement that had been impossible before the agreement. The plaintiffs, on the basis of the foregoing action, withdrew their motion for a temporary injunction. This occurred at the end of December, 1971.

In July, 1972, the plaintiffs filed a memorandum requesting a prompt hearing on the complaint. Further action is pending.

Now, you ask, what has been the effect of this legal action on the Boston schools? For one thing, we learned that legal action obtained a teacher's aide and made possible placement of a child when the request of the teacher in charge and of the Special Services administrator for such an aide had gone unanswered. However, the request in the 1972 budget for 23 additional teachers of the emotionally disturbed and for a like number of aides, although approved by the School Committee, was rejected by the Mayor. The Boston School Department alone among all Massachusetts school systems does not have fiscal autonomy. Thus, the Mayor can deny the request of the School Committee for funds. Presently we have children on home instruction for whom residential placement was recommended but for whom the State has no funding for such a placement. We also have children on waiting lists for placement in emotionally disturbed classes.

Concern and responsibility for the fiscal support of any program proposed for children with special needs belong to the money raisers. This focus of responsibility was emphasized yesterday by Dr. Weintraub. In our case the money raisers are the School Committee, the Mayor, the Legislature. Funding for one teacher's aide provided relief in the case above; and yet it was the director of the program, the person responsible for the appropriateness of the curriculum, of the materials, for the program design, who was called to the court for interrogations, – not the Mayor, the School Committee, or the Legislature. The staff time required, and the feeling of frustration on the part of school staff, these are prices willingly paid to meet a child's needs, but again are they not prices paid by the wrong persons? There is need for legislative action that will **insure** that the program mandated for the education of a handicapped child will have the requisite financial support. It is the practice of the Massachusetts legislature to pass laws that offer great promise, that include funding patterns that would seem to provide adequacy of support. However, it is not their practice to pass the money bills that make the funding truly possible. Therefore, it is very easy for special education administrators to grow cynical and to question the value of preparing budget requests that require long hours of data collection when the prospect of funding is dim. I can only say that this AMIC suit led me to realize that the money could be pried loose and that the honest budget had to be prepared but that a more productive involvement of AMIC would be in the support and development of legislation and regulations that would make it impossible for funding to be denied to valid programs for the handicapped. I am glad to say that at the present time we are looking with hope to the implementation of the legislation passed in July of 1972 and effective in September of 1974 relative to programs for children with special needs. This legislation is Chapter 766 of the Laws of Massachusetts, a copy of which is one of the handouts which you received.

The second case, to which I referred earlier, was filed in October, 1970, before the Federal District Court on behalf of seven black students and their parents. These children had been tested, adjudged mentally retarded, and placed in EMR classes in Boston. Private retesting found the students were not retarded. The plaintiffs sought a class action to enjoin further testing or placement until a Commission on Individual Needs was appointed to oversee testing and classification. In the spring of 1971 pretrial depositions were taken involving the Director of Classes for the Mentally Retarded and the Director of Educational Investigation and Measurement. In the late spring of 1972 negotiations were held to bring about a consent decree. Action on this case is also pending.

In October, 1971, the State Department of Education issued new regulations relative to the assessment of children formerly identified as mentally retarded and mandated that these regulations be carried out by March, 1972. The new regulations contained procedures for the assessment of children presently in MR classes and for children for whom such placement was considered appropriate. Participating in the development of these regulations were members of the staff of the Harvard Center for Law and Education, the Legal Assistance Project, as well as other professionals who had been consultants on the case discussed earlier. Boston, like many other communities, sought a waiver of implementation until September, 1972, and began the work of reassessing all children in EMR and TMR classes to comply with the new regulations. Parent involvement both before, during, and after the assessment, is required; a four-part assessment, -- psychological, social, educational, physical, -- followed by a case conference and the development of an educational plan, and the assignment of a case monitor were the elements of the assessment regimen. Pupils are to be integrated to the maximum degree possible in regular education and are to be reported according to the degree of integration effected. Regulations set class size of segregated program at 8 pupils per teacher or up to 12 pupils with a teacher and an aide. These regulations for mentally retarded children are a precursor to those being developed for children with other handicaps. These regulations have been in use for a year. They posed a myriad of problems while, of course, solving the problems resulting from the use of an I.Q. as the single index of mental retardations, from the lack or regulation on degree of parent involvement, and the absence of a process of systematic review.

Experience with the regulations during the past year has been valuable, especially in preparation for the writing of regulations for the broader-based legislation for the full rage of children with special needs.

The Greater Boston Associaton for Retarded Children published a checklist for parents relative to enforcement of regulations. A copy of the checklist is available as the second handout. Note that this checklist is clear, concise, manageable. With the permission of GBARC I reproduced the list and distributed it to principals, directors of departments involved in the support of the assessment, special educators. Parents and advocates of children with special needs are using this list, I am certain, to determine compliance of our school system with the regulations.

The rapidity with which the regulations regarding assessment of mentally retarded children and their placement were enforced gave very little opportunity for planning. A Title VIB grant was obtained by the Boston Public Schools to support a team that worked in the summer of 1971 in anticipation of the passage of the new regulations. Assessment protocols had to be developed, models of assessment teams designed, the case conference process had to be worked out. Manpower realignment had to be addressed for, again, an austerity program prevented our hiring of additional staff even though reimbursement for such staff could be obtained. Directives were prepared and distributed. Reassessment began. The whole matter of staff training for achieving integration had to be handled on an ad hoc basis since no lead time had been provided. Appropriate planning with the Teachers' Union was not possible. And so, we are presently involved in activities that now form part of the **action phase** of a program that should have been carried out in the **planning phase.**

Fortunately, the implementation date for Chapter 766 has been set for September, 1974. Our planning is underway.

The third case, Ricci vs. Greenblatt, is one in which the school system is not directly involved as a litigant but in which we shall be involved, given the Proposal offered by the Department of Mental Health responsible for the operation of the Belchertow State Hospital for Children, the institution at issue in this litigation.

If, indeed, the judge approves of the return to the community of 750 patients a year for four years from Belchertown and other State schools, there will be need for the Boston Public Schools to determine first the number of Boston children involved and to develop a cooperative relationship with the local mental health centers to plan for programs for these children.

It will be imperative that we make certain that the funding necessary for maintaining these children in a school program, if such is deemed appropriate, be allocated.

May I offer some recommendations to those of you who are subject to litigation? And who of us, working in a system which aspires to but never achieves perfection, can discount such a possibility?

1. Study the legislation. Understand it. Assure equal understanding on the part of all administrators, teachers, and support personnel working with children with special needs.

2. Avail yourself of legal counsel.

3. Have a clear understanding of the funding pattern. Review the funding of your programs in terms of legislative mandate and method of disbursement.

4. Work closely with parents, with parent and community groups, with child advocate agencies.

5. Keep records that are accurate, complete, up-dated.

6. Allow adequate time in the work schedule of teachers and support staff for parent consultation, documentation of pupil progress. Allow sufficient manpower for these activities.

In summary, to the extent possible, avoid litigation. It consumes time better used for directing learning, the chief goal of the educator. It causes fear and anxiety in staff and therefore casts a pall over the learning environment. I see litigation as a sword which hangs over the head of the special educator whose competence is in the classroom rather than the courtroom. However, I see it also as the weapon to be used when all other means have been exhausted for obtaining remedy for situations which keep the child with special needs from the educational experience appropriate to him.

THE ALABAMA EXPERIENCE

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In recent months problems involving litigation have become more meaningful to special education administrators. On August 2, 1972, U.S. District Court Judge Joseph C. Waddy declared that all handicapped children have a constitutional right to a public education. In a case involving Washington, D.C., Waddy stated, "The inadequacies of the District of Columbia public school system, whether occasioned by insufficient funding or administrative inefficiency, cannot be permitted to bear more heavily on the "exceptional", or handicapped child, than on the normal child." In the same decision the District was required to establish elaborate hearing procedures under which a pupil could not be placed in a special education program or suspended from school for more than two days without a public hearing. Other states such as Pennsylvania and New York have also been affected through such judicial rulings.

A common thread that runs through the court decisions is the requirement to provide education for exceptional children whenever it exists for normal ones. Identification, evaluation and placement have also been included. In most cases, responsibility for implementation of the ruling has been left to local authorities, with the possibility of a court appointed person to be used only if the school system does not progress as ordered.

Special education in the public schools of Alabama has not been directly involved with litigation to this point (U.S. District Court Judge Frank M. Johnson's recent ruling dealt specifically with Bryce and Searcy Hospitals for the Mentally Ill and Partlow State School and Hospital for the Mentally Retarded, institutions under the auspices of the Mental Health Department and not the State Department of Education). The recent injunctions of the Federal Judges have definite implications for all of the states including Alabama. It should be mentioned at this point that Alabama has mandatory legislation for all exceptional children due to Act. 106, passed unanimously by both the House and Senate of the Alabama Legislature in July, 1971. This bill specifically mandated that all exceptional children will be served by 1978, but it should be mentioned that the State is a long way from reaching that goal. Funding for the biennium was not obtained to the desired extent, but already seven task force groups are functioning with a primary goal of receiving the necessary funding. One of the more significant aspects of the Alabama mandatory law is the standard which specifically mandates that "If sufficient funds are not available to a local school board to provide fully for all the provisions of this act as well as the needs of non-exceptional children, such board must prorate all funds on a per capita basis between exceptional and non-exceptional children." This statement is in complete agreement with decisions reached in the Pennsylvania and Washington, D.C. cases.

The following remarks on the Alabama Land Mark Cases (also known as the Alabama Experience) will be directed primarily to the Partlow Case. In 1967, the American Association for Mental Deficiency inspected Partlow at the school's invitation. The investigating team worked 10 hours a day for a week. None of its recommendations were implemented. In 1972 the AAMD returned to Partlow. It found "despair, hopelessness and depression". According to pertinent literature, conditions were usually no better elsewhere in the country with the exception of a few states like California, where the average length of hospitalization is 15 days, and Nebraska where its institutionalized population has dropped nearly fifty (50) percent. One might generalize that the national picture comes closer to the Alabama model.

Treatment A Right

The first major breakthrough in Alabama came in April, 1972. The Federal District Court in Montgomery, Alabama, declared in the first lawsuit filed on the behalf of the entire mental patient population, that there is a constitutional right to treatment for those who are involuntarily committed. The court further stated that the deprivation of liberty must be governed by due process of law, as guaranteed by the Fourteenth Amendment.

The court established 74 specific constitutional and medical standards the State must meet in order to treat — not increase — patients in a humane psychological and physical environment. The court further appointed "Human Rights Committees' to serve at Alabama's three mental institutions. Members of the committees, to be paid by the State for their work, are to insure that the dignity and the human rights of patients are preserved. The committees were composed of parents of residents, newspaper people, and other concerned laymen. They have done their job well and have provided the necessary impetus in persuading professionals to perform their jobs well, including the respective Superintendents.

The legal action was actually precipitated in the Fall of 1970. Ninety-nine Bryce professionals and non-professionals were dismissed for budgetary reasons. Attorney George Dean of the Alabama Civil Liberties Union sued for the dismissed employees and guardians of the patients. He contended that effective treatment would be impossible with the staff reduction. One staff physician said in an affidavit, "I state as emphatically as I possibly can that a reduction of an already insufficient staff by the amounts planned and announced will result, in effect, in no treatment."

This major constitutional rights suit was filed in the Middle District Court of Alabama by a native Alabamian on behalf of Alabamians before a native Alabamian judge. The situation could not have been better. George Dean is a veteran civil liberities lawyer and Frank M. Johnson is the judge who outlawed segregation on Montgomery buses, allowed the Selma marches to proceed over Pettus Bridge, handed down the first court order requiring state reapportionment of voting district, ordered desegregation of all Alabama State Police. Attorney George Dean said of Johnson, "Because Judge Johnson unflinchingly applies the Constitution, the Middle Distrcit of Alabama is often the place where a civil liberty is first recognized."

At the outset, Dean asked Judge Johnson to rescind the employee terminations and to order the defendents to guarantee that no course of treatment would be "interrupted, charged, or interfered, changed, or interfered with."

On March 12, 1971, Judge Johnson held "When patients are so committed for treatment purposes, they unquestionably have a constitutional right to receive such treatment as well as a realistic opportunity to be cured or to improve his or her mental condition."

Judge Johnson gave Alabama six months to raise the level of care at Bryce to the constitutionally required minimum. On Dec. 10, 1971, he found the defendents had shown "good faith" but little progress. He then set formal hearings on "standards that meet medical and constitutional requirements." The plaintiffs amended the complaint to include not only Bryce Hospital, which then had about 4,600 patients, but also Searcy Hospital, with about 1,700 patients and Partlow State School, with about 2,300 residents.

The five days of hearings consisted of arguments that ran the gauntlet from staff/patient ratios down to the half-chaplain. These arithmetic semantics sometimes appeared remote to the problems of improving life in mental institutions. The Department of Mental Health had selected two consultants to study Bryce, William Tarnower of Menninger Clinic and Glen Morris of the National Institute of Mental Health. Tarnower said the Bryce wards reminded him of "graveyard lots." Morris was particularly impressed by the rodents and insects.

The inevitable tragedy materialized. A patient died of an overdose of drugs. The patient was taken to the Partlow Hospital. No physician was present. A physician was called by the ward aide and by phone prescribed a drug to induce nausea. Later in the day the patient was taken to the local community hospital where he died. A Partlow staff doctor certified the death as "heart attack?' undetermined."

It might be emphasized that the average age of physicians at Partlow is 72 years. At the present time there is only one physician who is licensed to practice in Alabama, and he is serving as Chief of Staff. The rest are Cubans. None of the physicians who have recently applied are less than 80 years of age. Lack of a competitive salary scale along with poor working conditions are two primary reasons for this problem.

Dr. Philip Roos, Educational Director of the National Association for Retarded Children, testified as a U.S. Government witness. He said "Partlow aides were kind, but they had no understanding of their function except to keep the residents alive." Dr. Gunnar Dybwad said certain stereotypical behavior (i.e. rocking and self-mutilation) is not a consequence of mental retardation, but of neglect. Dr. Dybwad further concluded that Partlow's function should be phased out of existence. "Without habilitation, institutionalized persons deteriorate," he stated, in explaining that deterioration is caused by their confinement.

The Partlow Hearings ended March 1, but they obviously had a strong impact on Judge Johnson who wrote: "The evidence vividly and undisputedly portrayed Partlow State School and Hospital as a warehousing institution which, because of its atmosphere of psychological deprivation, is wholly incapable of furnishing treatment to the mentally retarded . . ."

Judge Johnson entered an extraordinary interim emergency order "to protect the lives and well-being of the residents." Among other things the order declared that within 15 days, fire, safety, and health hazards must be eliminated; and each resident must be examined and immunized against various diseases. Particularly surprising was the order that 300 additional workers be hired at Partlow within 30 days even if the civil service requirements had to be suspended (they were). It is difficult to imagine what kinds of people applied for employment and were employed. Very little screening was done of the applicants, and less training was instigated before these new employees were placed on the wards. After the first week, 69 employees had quit or left their jobs, and today 182 of these employees are no longer employed and have not been replaced. The emergency order was followed by a final order April 13, 1972, establishing 49 minimum standards.

Judge Johnson was assisted by *amici curiae*, Latin for "friends of the court," in writing standards such as "Each resident must attend chapel service once per week. If they cannot attend, services must be provided on the ward. The standards also included written policies concerning admission, placement, habilitation, education, and inservice training for all employees. New admissions were not allowed until all of the standards were met. Four emergency admissions have been made to the institution with the knowledge and consent of the Federal Court.

Reaction to Judge Johnson's final orders were immediate. Alabama's Governor George Wallace termed the orders "an impossible burden" and said their implementation would cost$110 million, an expenditure which would cripple state government. One of the possible implications of this order is that it is going to be financially impossible for most states to maintain the human warehouses they have in the past. Judge Johnson further decreed that a progress report was to filed within six months. This was done on October 10 and was a document of some 255 pages.

Historically the Alabama State Legislature has not appropriated sufficient funds for mental health or education. Alabama ranks 50th in per capita expenditures for those institutionalized. In his orders the Judge strongly recommended a special session of the legislature, and the Governor has indicated that he is not in favor of such action. Judge Johnson further indicated that, if the legislature failed to satisfy its constitutional duties, "it will be necessary for the court to take affirmative steps to insure that adequate funding is realized." The situation was complicated further with the reduction of federal contract monies allocated through the Department of Pensions and Securities to provide services to mental health clients. These funds were reduced from 152 million to 14 million dollars annually.

In a political system where each branch of government is theoretically equal to the other, the legislature does not like to be told what to do by a court. If it should decide to disobey court orders, a major power struggle could result.

Even assuming the money to implement Judge Johnson's orders is somehow raised, another major difficulty will be assuring that the specific standards he has enunciated are properly implemented. While Alabama's Mental Health Board so far has indicated a willingness to comply, the progress report submitted indicates only progress in those areas which are primarily establishing written policy.

Politics became involved when the Governor's lawyer overruled the Mental Health Department's lawyer and appealed the case. Some persons close to the case have stated that the issue has become a political football. Regardless of what occurs in implementing these orders, and regardless of the Governor's appeal, the precedent has, nevertheless, been established. The standards dictated by Judge Johnson will no doubt be utilized in future suits to reaffirm and implement the rights of the mentally retarded.

Major Implications

1. A similar case was tried in the neighboring state of Georgia by a District Judge with the same status as Judge Johnson who ruled that he had no jurisdiction over institutional care. An appeal of this case along with the Alabama injunction will be heard by the Fifth Circuit Court of Appeals in early 1973 in New Orleans, Louisiana. Regardless of the decision reached in this appeal, the case will probably be appealed again to the United States Supreme Court for an ultimate decision.

2. The Alabama Mental Health Board has entered into contractual agreement with selected churches for the delivery of services. Standards will even permit private individuals to receive funds for group homes. Establishment of such homes is the number one priority of funds allocated through the Department of Pensions and Security.

3. All borderline and mildly retarded persons are being removed from the institutions. This will be done by February 1, 1973.

4. The required minimum wage must be paid to all residents who work for the institutions. In many cases, these salaries were retroactive. The Judge did rule that in certain rehabilitation or training

programs designed for the welfare of the patient, remuneration was not necessary.

5. One thousand, one hundred, and twenty-six more professionals are still needed to meet the minimum requirements of the court order.

6. Staffing is one of the major problems. In one instance a resident was found dead who had been missing for five months and whose bones had already turned white. In another instance, 18 cases of gonorrhea were discovered in one colony which housed only males.

7. The University of Alabama has appointed the Special Education Program as a liaison between the University and Partlow to assist Partlow in implementing the court order.

part III

court action and legislation

COURT ACTION AND LEGISLATION

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What is law? Well, law has many meanings. We can talk about law as the formalization of the policies of our society. But, I think, in the context of exceptional kids, it seems that law is the means by which minorities, in this case exceptional children, protect themselves from the possible or actual abuses of the majority. Let me just review with you some of the basic principles regarding good law or what we might call good policy in the education of handicapped kids.

First of all, it seems that any good policy relating to the education of handicapped kids **must contain affirmative statements regarding each child's right to an education**. It is not a special benefit that is brought to the child; it is something that he has an affirmative right to obtain.

The second thing is that there should be some statement in there relating **to a preference for normality**. That may be the wrong word to use, but I couldn't think of another one. What I mean by that is that children will be treated as all children unless there is clear evidence to treat them differently. This is based on a concept that says that services can be distributed on a continuum from least (regular classroom) to most (institution) restrictive, and that you don't move in the direction of restrictiveness anymore than is absolutely necessary. So you don't place a child in an institution just because there's no special class available, and you don't place a child in a special class just because there's no resource program available; you place on the basis of what the child needs, and the direction is always in preference for normal.

The third principle is that **there must be a clear delineation of responsibility and authority**. Now, let's make a distinction between responsibility and authority. Many of your state laws will say there shall be established a division, bureau, or agency within the state that shall be responsible for the education of exceptional children. However, it is given no authority to carry out that responsibility. Exceptional children must have a single agency, who they and their parents can hold responsible for providing them with an education although that agency may delegate to other agencies or groups authority for carrying out the responsibility but it must retain sufficient authority to insure appropriate behavior from all involved.

A fourth basic principle is that **it must contain the appropriate administrative designs for carrying out programs.** We know, those of you who are from Minnesota, Illinois, or just about any other state, of the necessity for varying administrative patterns in order to carry forth a comprehensive program of special services to exceptional kids. One may need to have, in some cases, special structures within school districts or multiple school district agreements, or larger formal structures.

The fifth basic element or principle is **some procedure for the identification of the population to receive the special benefits.** Now this is where we have traditionally gotten hung up because of our propensity to over-define populations. Why have we done that? Mainly because the resources we have received have been extremely limited and thus we tried to target on very finite populations to deliver limited special benefits of society. I think now that special education has grown enough that we can see this in a different light, and yet we still need to have some means of identifying who will flow in and who will flow out of a system of special benefits.

A sixth basic element of good law or policy is **provision for the development and delivery of special resources.** These may be special materials, special facilities, personnel, and transportation. These are the four basic resources that go into making a program and we need to have very concrete systems within our policies to assure that these resources get to the children for whom they are intended. I think the last part of the statement is the most important, "and that they get to the children for whom they are intended." Right now we have a massive system and we have laws creating systems for resource development but very little focus on the resource delivery; and so we have instructional material centers that warehouse materials, that rarely ever see a child. We have teacher training programs that operate and grow with very few teachers coming out and working with children. Now, I am not condemning every IMC or condemning every teacher program; but historically our emphasis has been on development rather than on delivery. And I think that is something that we need to reexamine in terms of our policies.

A seventh basic element I see is **remedies.** What do you do when it's not working? Again, assuming that the system is basically hostile, I'm operating under that very basic assumption that the general education system is hostile toward exceptional kids and what we are trying to do. If that be the case, then what remedies can be sought against the system when it does not behave appropriately?

First, it is important to understand that it is not a penalty to be denied funds for that which you did not want to do in the first place. The most common penalty has been, "If you don't serve these children, you won't get any money to serve them." What I'm saying is that it's time that we turn that around (HEW and other agencies have used this kind of approach for years). The penalties have got to be severe enough to bring discomfort to the system, so, if you don't educate exceptional kids, that means that you get no money to educate any kids. Or, "If you do not educate these kids, then you, Mr. Superintendent, will go to jail." Now that is a penalty to which somebody would listen. I think that's a very important concept because the penalties have not been there. We have had mandatory laws, and yet there is no state with a mandate that is meeting the intent of the mandate. Why not look for the penalties? There are none!

There are also other remedies that are necessary which an individual can exercise against inappropriate treatment by the system. If we want to have a system that is responsive to children, then no matter what administrative designs and procedures we establish, children and their families must have some means of dealing with and assuring appropriate behavior from the system. We must build into our policies and procedures the kind of due process or procedural remedies that will assure that each child is dealt with appropriately. The types of due process guarantees which Tom Gilhool described are imperative.

A final element and, of course, the one that I'm sure that all of you will consider as probably the most important **is finance.** What are the procedures that assure that the resources flow appropriately to provide children the education that they need? I recently talked with the director of special education of a large northeastern city. He told me that the legislature appropriates money for special education, the state reimburses local districts, but there is no tracking or monitoring to assure that the funds go for what they were intended. He told me that most of the special education funds went to buy snow plows for the city, which in that city last year was a higher priority. That may be the exception, but I think that the reality is that the flow of funds is not often guaranteed that they will, in fact, be spent for the type of things for which they are intended to be spent.

We often have very little control over this kind of thing; and it seems to me that, until we get the system where it will behave appropriately, we must maintain strong categorical funding. And I use "categorical" to mean education of the handicapped in general rather than the single disability approach.

Now, one other point under finance, and I don't know how to state this to you because it sounds like an over-simplification. But, as far as I'm concerned finance isn't your responsibility. Your job is to educate the children. You were hired as an advocate. The person who is responsible for the children is the superintendent of the schools of your district or your state. Let's stop assuming his responsibility or whole responsibility. They are the ones charged by the legislature to educate all of the children, and they should not come to you and say, "Bill, you go do it if **you** can find the money." It's his job; it's not your job. You were not hired to be director of finance; you were hired to educate exceptional kids. And as long as we keep assuming that responsibility, as long as we keep being that Statue of Liberty saying, "Give me your tired, your poor, I'll go out to the basement and do the best I can," as long as we keep accepting the totality of responsibility for these kids, we're going to continue in the second class status that we presently have. You've got to give up some of the control. You've got to put it back on the shoulders of the general educators whose responsibility it is, and you've got to assure that they behave properly.

Let me jump to another point. The first question you might ask yourself is, "To what degree can I anticipate or expect appropriate behavior from the system?" Ideally the best law is no law, but at least at this point in time, I don't think this is sufficient. However, I do think that you've got to start from that point and say, "In my community, in my state, to what degree can I expect that those people with the delegated responsibility will, in fact, carry out that responsibility without the various restrictions, pressures and oversight of government?" That's a difficult but critical thing to assess.

Now, let me give you an example: I can name states that have gone through the point of mandates and other things that have had very little come of it. I can show you states that have, what I call, very weak special education laws and regulations and, yet, there's an awful lot going on in these states. We can think of such communities. Why? Because there are some people in those communities or in those states who are making it happen.

I don't know how many of you have watched John Melcher in action, but let me tell you how he effects education policy-making in Wisconsin. You walk into a school and you sit down and you talk to the principal or superintendent. You say to him, "Gee, I really think that there are some kids over here that need some services and you don't seem to be providing them. I think that you ought to provide it." The superintendent says, "Well, we don't want to get that sort of thing going for these kinds of kids." So you say, "Thank you," and you get up, you walk across the street to talk to the president of the school board who happens to run the bank. You sit down and you say to him, "Now listen, I think that you are going to set up some programs. I want you to get on the phone and call the superintendent. Tell him I'm coming back in half-an-hour and we are going to talk about how we are going to set up programs. Then you offer three or four little subtle threats like, "I'm going to punch you in the mouth," and, half-an-hour later, you come back. Three days later the programs are going.

Well, you don't need a massive law in that state. But, the problem is that such a person may retire or may die, and you're right back where you started from.

The least restrictive approach is always the best approach, but you must use restrictive approaches when you cannot expect appropriate behavior. So, it seems to me that it naturally follows that one of the most ideal ways to regulate is internally. Within its own power the state can develop the procedures, guidelines, and regulations that will, in fact, assure appropriate behavior. And where it undertakes these activities on its own, where the education community embraces these and it moves in that regard it will be generally better for children.

Al Abeson, Director of the State-Federal Information Clearinghouse at CEC, has been taking a very close look at state regulations. In the near future he will be developing for you models that you will be able to use.

A second approach is legislative. In this regard some of you may want to take a look at the model law developed by the Council for Exceptional Children which is available in a book called **State Law and the Education of Handicapped: Issues and Recommendations,** and also is available in a film strip presentation.

Then, of course, a third route is the litigation approach in which you go to the courts to solve your problems. I think the only problem with the courts is that you often end up with the necessity to go to the other routes as well, the legislative and the regulatory and that is so very time consuming.

Okay, four quickies. First, policies by one approach can be no less than any other approach. By that I mean let's stop thinking that we can get away with less if we do it by legislation than we can if we go to the court, or we can get away with less if we do it by regulation than we can be legislation. The point is that the policies must transcend any of the single approaches so if the basic policies are the right to education, the appropriate procedural guarantees for those things must transcend whatever you do. Don't think that you can avoid litigation by going and getting a law passed that only deals partially with the situation.

Second, present rights (now). I am concerned that many of us think about education of exceptional kids as something that will occur in the future, that these kids will have the right to an education when we can develop the resources and things needed to educate them. Thus, we have many laws that say we shall educate exceptional children in this state by 1975, 1980, 1990. I was delighted to hear Commissioner Marland say, "By 1980 we shall educate exceptional kids." I would have loved to have had someone say, "Dear Commissioner Marland: By 1980 we will educate your kids." I mean, what an innane concept . . . . by 1980. Everybody gets overjoyed and goes and has a drink, and pats the Commissioner on the back for a job well done.

But I think that we do need to be careful. The reason that I am bringing this up is that there was a recent opinion of the court where the court refused to take on a case in Michigan. The Harrison Case, in Michigan, was a right to education case on the basis that the state had a law which said that by September 1974, in that state there would be a mandatory education for all law in the state. Thus, the state was working now toward the implementation of that law by next September. Therefore, the court had no need to step in on the case. Now that concerns me very much because that is somewhat of a possible break from the present rights concept.

We have in the state of Maine a law which says that by 1975, and there is a suit going on in Maine to challenge that. We may get an opportunity to take a closer look at that. We also have possible suits being initiated in Georgia, in Florida, and in other states that have a delayed mandate. I think for those of you who are seeking legislation at this point, be extremely cautious about the use of delayed mandates. It is a great legislative dodge.

Let's get all of those nice words in the law; let's get all the advocates home. And then let's come back and worry in two years, three years, or four years hence. Kids have the right to an education now. That cannot in any way be compromised as far as I am concerned. There must be education for all now.

The third point is that it must work. There's no point in educating kids if you aren't going to educate them. There is a case in a court in New York that I wouldn't describe as a great constitutional precedent at this point but worthy of note. A physically handicapped child had spent five years in school (two years in regular education and three years in special education). In those five years the child had achieved a first grade reading level. The parents pulled the child out and sent the child to a private school where in one year, the child increased two grade levels in reading. The parents came back and requested from the school district funds to pay the tuition of the child in school. The school district said, "No, we have an education program that we deem to be appropriate. Therefore, there is no need to pay for the private education." The parents went to court, and the court ruled in favor of the parents, saying education means learning and apparently the child was not learning. Therefore, the parents sought a learning situation that seemed to be appropriate and that the child is now learning. Therefore, the school district was required to pay the tuition. That's a pretty heavy decision.

Education means learning. Just spending time in a program and not achieving anything is no longer going to be tolerated as a viable or as an appropriate program and, you will note, all of the decisions Tom Gilhool discussed said children are entitled, not just to a free education, but to a free appropriate education.

Again, I would re-emphasize the point that Tom mentioned, the idea of the contract. It seems to me that this is a very exciting principle. That is to say that, when you deliver special services to a child, you deliver them on the basis of a contract or plan. What you do is derived from a hearing or out of whatever procedures that you go through. You enter into a contract with the parent; the contract spells out your obligations and theirs. Basically the contract should state, "What are the objectives that you're trying to achieve for the child? What are you going to do to achieve those objectives? What are the time tables for providing the services? What are your evaluation criteria going to be? What's your timetable and plan for evaluation?" Once you have committed yourself to the contract, you also should state the time in which that contract will be re-evaluated, so you say, "We hope to achieve these objectives in six months." At the end of six months you have or have you not achieved the objectives? If you haven't, then you had better change the program because what you were providing was not appropriate.

It seems to me that this principle can be a very exciting one. In fact, for the first time there is identification of what is special about special education.

The Vocational Rehabilitation Act vetoed by the President would have contained that same contract that I just described to you as the basis for providing all vocational rehabilitation services. Evaluation of the programs would be, "Have we succeeded? Have we fulfilled the contracts?" Thus, we would have some measure of knowing where we are at.

Finally, who are the advocates? I suggest to you that you be very, very careful and not be led astray by thinking that some people who label themselves as advocates are such. I am extremely concerned that some of our traditional parent and professional organizations that now see themselves up against the wall and see that their existence and their stability are directly threatened by what's going on in terms of civil rights of kids. We may need to close down some of the private centers for retarded children. We may need to close down some of these cerebral palsy centers. We may also need to kick out some psychologists and special educators. And, if that threatens the professions and the associations, then so be it. As Bob Dylan noted, "The times they are changing."

part IV implications of recent court actions for leadership training

IMPLICATIONS OF RECENT COURT ACTIONS FOR LEADERSHIP TRAINING

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In these remarks I shall use the term "leaders" to refer to those persons who make most of the general decisions in local and state school systems and those who initiate educational policies. Primary in concern are school board members, superintendents, principals, directors of special education and other administrators. Also included are psychologists, counselors, social workers and other personnel workers who make influential decisions at both individual and school-wide levels. Additional members of the target group are college professors, professionals in agencies and private work and others who, for whatever reason, have a substantial impact on educational policies and operations.

The structure of my argument is based on Stufflebeam's (1968) "CIPP" model. Most of you know CIPP as the acronym for a sequential evaluation system with four major foci: Context, Input, Process and Product. My first concern, then, is the CONTEXT in which leadership training about recent court decisions should be evaluated. Second, I shall propose what I think some of the INPUTS should be, that is, what some of the specific content of leadership training should be. Third, I wish to consider how or by what PROCESS(ES) the leadership training might be undertaken, and, forth, the kind of PRODUCT that should be the summative objective of the whole enterprise.

Context

Since this entire conference is focused on the context of my subject, let me be brief and simply list some of the forces or trends which must be considered if we are to understand what is happening in the field of special education and to plan ways of orienting our leadership to emerging problems.

1. More so than in any other facet of education, the field of special education continues to have very aggressive, well-organized consumer representatives monitoring programs and demanding institutional responsiveness. Although we've found ways of working constructively with the parent and community groups involved, it is nevertheless true that conflicts and controversies do arise. Parents of handicapped children are demanding much more of schools than tokens and charity!

2. Recently these parent-consumer groups have turned to the courts for leverage to obtain more responsive educational programs for their children. In the previous two decades they relied on legislative action. Now, with their turn to the courts as the action arena, the appeal is moving to the ultimate judicial source - the U.S. Constitution. In particular, they are seeking redress under the equal protection clause of the 14th Amendment. The key determination by the courts is that **all** children have a right to appropriate education. Saying that a child has a right to education ought to be translated immediately to mean that the schools have an obligation to provide suitable education for all children. If a child doesn't get his rightful education, somebody can be sued -- and that somebody is the responsible school authority.

The **"right to education"** in 1973 is not the public utility concept of "right" which guarantees people equal rights to ride a bus, for example, or to have electrical service. The "right to education" places a more positive obligation on school authorities to search for and find every child and to provide appropriate education for him, no matter how unusual his requirements may be or how unlikely or small the return to society. The justification for educational programs must be individual child needs.

3. When the legislative mode was the force for change, as in the previous two decades, legislators were usually kind enough to provide funds to support the expanding programs they directed; but it is not so with court directives. The judicial imperative of recent decisions leaves school authorities to find their own resources. Thus, educators face the assertiveness of the court on the one side while on the other they must battle on their own for the resources necessary to carry on their expanding work. Consequently, the atmosphere of this period is full of impatience and short of gratitude and resources.

4. Procedural and accountability issues are arising. For example, courts are raising questions about and setting standards for the use of labels for handicapped children, parent rights to information about their children, the justification of testing procedures, and the right of parents to be present and to have professional counsel in hearings and decision making as these concern their children.

In some situations parents are given the right to go to clinics of their own choice for studies of their children. The results they obtain in such private consultations can then be compared with the school's assessments of children before placement decisions are made. Hopefully, this kind of adversarial proceeding will not become the model framework for planning school programs because - among other things - it seems overly oriented to simplistic studies of children rather than to substantive studies of schools as well as of children. Ideally, I believe, children would always be studied in their life situations, which is to say that the "situation" also gets studied; and the orientation of all of those involved would be to create an optimal environment of each child. Having several different agencies study the child in isolated clinics and then having the educational plan created in court, in an adversarial framework, is a far cry from what children need and deserve.

In general, the recent court decisions do not diverge from policies already suggested by many special educators (For example, see the CEC official Policy Statement on Basic Commitments and Responsibilities to Exceptional Children, available from Council at 1411 South Jefferson Davis Highway, Arlington, Virginia 22202). As Gunner Dybwad has put it, what has been regarded as a proverbial right has simply been made a legal right. In performing this transformation, however, the courts have opened up a very disorderly closet in the house of special education. Echoes from rhetoric of the past are returning with insistent demands for real life enactments!

I believe that the situation has become critical in somewhat the same way that nuclear fission reached its "critical" stage in that University of Chicago physics laboratory some thirty years ago. The present unleashed forces are exceedingly potent, and it is not certain that our mechanisms for controlling them are adequate. I'm not certain, for example, that the leadership in special education has sufficient vision and vitality to deal constructively with the situation. And there is real reason to be very apprehensive about the ability of local units to finance activities required by recent litigation. Indeed, the difficult problems posed by the courts have come just at the time that "freezes" have been imposed on personnel complements and expenditures in many public agencies, especially those supported on federal funds.

All of the school systems under the kinds of major court directives discussed at this conference need to launch major retraining programs for their staffs. A special problem occurs at this juncture because, while the schools typically receive the court directives, they do not control all of the resources necessary to comply. In particular, they depend heavily upon colleges and universities for the training of their personnel; but they do not control the colleges and universities. We have yet to work out the ways by which the total educational establishment can be responsive to court directives which come to elementary and secondary schools, yet which have such pervasive implications.

Timing is also a problem. The courts are terribly impatient, but new programs of good quality for thousands of severly handicapped children cannot be started in a fortnight! Many school systems now face the literally impossible situation of trying to create dozens of new programs for which they have few of the necessary insights and resources in a matter of weeks or a few months. My own view is that, in the face of problems of impossible scope and timing, we had better be concerned with building at least a few programs of highest quality. If a great many programs are started on thin resources, there is high risk and the probability that the programs will fail. On the other hand, if new programs are of unassailable quality, it will take only a few of them to show what can be done and to put developments on a surer, more durable course.

Enough of CONTEXT. Surely, it is clear that the context for our deliberations has the potential for both success and failure. Leadership training is one of the topics of concern and importance - let's go on to it!

Input

In my exposition of the concept of INPUT, I propose to discuss some of the knowledge and skills that should make up the content of leadership training. In recent discussions with Professor Herbert Goldstein, one of the Masters appointed by the special Federal Court in the PARC decision, we came to view the situation as an epidemic. We thought of the three phases or aspects of an epidemic; first, the active, immediate center of the problem; second, the peripheral areas where the epidemic spreads; and third, the longer range fundamental measures that are required to prevent further spread and recurrence of the problem.

In a few areas, like that of the State of Pennsylvania, court decisions have created a truly critical or emergency condition. The action required is rapid and massive, and there is no time for all the tidy and comfortable interactions of agencies and persons. Everything is on an extremely tight and urgent schedule.

But the epidemic is spreading rapidly, and we had better get on with something corresponding to innoculations in that broader domain where there is a bit of time to prepare but none to waste. Really, the whole country seems destined to face up to the "right to education" and the "procedural" directives that will be coming from the courts in the near future. Rapid action is advisable everywhere, and this conference is a part of the innoculatory process.

Fundamental changes need to be made which will penetrate way back into teacher and administrator preparation programs and which will require the reordering of many school procedures and of the relationships of schools, parents and community forces if we are to comply with the spirit and letter of the law as interpreted recently. Let me discuss each of these epidemic-like aspects of INPUT, beginning with the critical center of the epidemic places like Pennsylvania and Washington, D.C.

The Ciritical Center of the Epidemic. The first set of training inputs should provide the basic facts and implications of the recent litigation. Several elements need to be treated quickly. They are, (1) the meaning of "right to education"; and (2) the meaning of and practical details of implementing "due process". Each of these topics must be analyzed to set out specific elements for training which will be valid in the context of court decisions and attuned to local resources and conditions.

Fred Weintraub, J. B. Fleury and Alan Abeson of the Council for Exceptional Children are currently working on a project which is being conducted in cooperation with the University of Minnesota Leadership Training Institute to prepare training materials which will be useful in the first phases of this initial kind of training. They are preparing a film and a variety of printed materials which will provide an overview of recent developments and of relevant literature and then propose needed new policies and procedures in school systems at several levels. A plan for broad dissemination through professional and parent associations and television is in preparation.

The University Council for Educational Administration, the National Center for Law and the Handicapped and several universities, including Michigan and Connecticut, are engaged in similar efforts to create basic educational programs.

A second topic which needs attention in a training mode for educational leaders concerns what I call "opening up administrative arrangements." Unfortunately, many leaders in education think of special and regular education in terms of what might be called the "two-box" theory. According to this simple view there are two kinds of boxes - regular and special classes - which serve two distinct populations of children - normal and handicapped - and which are managed by two separate kinds of administrators - regular and special. The Pennsylvania Court made it clear that this kind of dichotomous nonsense is over. As a result, leaders must be informed on and persuaded of the viability of the broader array of administrative arrangements through which special education can be made an integral part of one total school system for **all** children.

A specific project is underway under the leadership of Donroy Hafner and Joe Parks of the Texas Region XIII Service Center at Austin, Texas. They have been conducting training programs which deal with open administrative arrangements. So far they have dealt only with Texas' principals, but they are now developing nationally oriented training materials. They are trying to make school leaders particularly aware of the potentialities of "mainstreaming" many handicapped children through the provision of appropriate support services. They are telling the story of resource rooms, such as those operated in their region of Texas and in Minneapolis, of Consulting Teachers, such as the program demonstrated in Vermont, and of diagnostic-prescriptive teachers, such as those trained in Professor Prouty's program in Washington, D.C. Hafner and his colleagues are concerned with more than mere awareness of the possibilities of new administrative arrangements for special education; they also stress the specific skills and actions required of administrators in order to implement new kinds of special education programs.

Another set of materials, currently in press, is a book edited by Evelyn Deno (1973) which presents overviews of about a dozen specific programs that exemplify various levels of the "cascade" concept of special education.

Training for leaders is essential along these lines if we are to fulfill the mandate of the courts - especially that of the PARC decision which stresses that "mainstreaming" is the preferred arrangement for education unless there is compelling evidence to the contrary. This is no problem for the many special educators who have been talking about the "continuum of services" and "cascades" for more than a decade.

A third topic of urgent concern is programming for severely handicapped children. A quarter of a century ago the burning issue was the school responsibility to provide education for so-called "trainable" retarded children. As communities took up this challenge and started trainable classes, there were always children who fell just outside the boundaries of the new category and were therefore excluded. The courts have put a halt to these category-after category approaches and has said in effect, "Include them all." The problem in most communities is that so little is known about how to go all the way -- how to "include them all."

In this context the work of Wolfensberger and his colleagues in East Nebraska, of Marc Gold in Illinois, of Lou Brown in Wisconsin, of staffs in the California Child Development Centers - among others who have active community-based programs for severely handicapped children - need to be spread quickly to centers facing the critical development problems.

In recent months a variety of training conferences and inter-program visitations have been arranged which have helped to inform leaders of Pennsylvania and other places of promising practices in programming for severely handicapped students. It has been encouraging to see the ways training resources were organized quickly to meet urgent needs. But much remains to be done in the domain of "sharing" knowledge across the whole nation; I shall say more of this a bit later.

The Innoculation Levels. Let me now move all too abruptly to the second phase of the "epidemic". Those of us in areas outside the jurisdictional limits of the courts which have propounded the "right to education" principle have only a little time. We should utilize the experience from the critical areas to shape up information systems and placement procedures, begin retraining efforts and extend the format of our administrative arrangements. And we had best get ourselves oriented to programming for severely handicapped children as well as redefining relationships with social welfare and mental health departments as necessary.

Every kind of training which is required in Pennsylvania and other "critical areas" is equally important everywhere else. The difference is that those who have not yet had court directives can take it on school-by-school or district-by-district; and it seems to me that is the way to do it. Recently I visited Potrero Junior High School in San Francisco where a remarkable program under the leadership of Joyce Kohfeldt is transforming the school. The whole system of referring children with problems, of diagnosing the problems, and of working out special helps for the children in ways which support the regular school program are demonstrated in this program. The directors of that program appear ready now to extend their influences to more schools, and they are undertaking the leadership training necessary to begin the dissemination process. So it must be in many other cities, towns and rural areas.

Some of you have visited in Minneapolis with Dick Johnson, Jerry Gross and Rita Grismer at the Adams and Harrison School projects and learned how these centers are having a profound influence in the entire school system. Minneapolis' posture will be different from that of many other cities, should a "right to education" issue arise. The "resource room" at Harrison School, for example, serves children who might earlier have had at least three or four different categorical labels and been in special set-aside classes. Now, the children are served in one Center which works closely with regular teachers and all programming proceeds from careful individual assessments, not from "categories." The project workers are in good position to justify their methods and goals to their profession, to the children and to the children's parents. If a court case arises, it will not be a simple "two-box" affair!

It is hard work to redefine pupil personnel procedures and basic administrative arrangements. It requires, as an absolute essential, the understanding and dedicated work of administrators – like Mr. Pollard, the principal at Harison School, and Dr. Johnson, the Director of Special Education in Minneapolis. We are especially fortunate when higher education representatives – like Miss Grismer – become active partners in such enterprises. Training efforts must be designed and implemented to produce leaders of these kinds.

In summary, we need to proceed through all of the kinds of training outlines under the "emergency" conditions cited above. There is only a bit more time to work more systematically in those areas yet untouched directly by "right to education" court directives.

Longer Range Problem. In the longer range we will need to make fundamental changes in school situations if we are to be able to meet each child creatively there, rather than to meet him in court arguing about categories and simple placement options. I wish I could foretell all of the required changes; I can only share with you a few possibilities.

There is new opportunity, I believe, to launch school programs which are truly oriented to the essential individuality of every child. New ideas in measurement, record-keeping, management systems, and analysis and organization of instruction; new ideas about aptitude-treatment interactions; and new awareness of the ethical issues involved - all are working to create a new and promising environment for a new surge of effort to individualize or personalize education. For a long time we've talked about individual differences and individualizing instruction, but we have not had a very adequate set of tools.

It is encouraging to see, in at least a few places how special educators are able to help develop and install broad systems of individualized instruction. For example, there is the massive program in Houston and the statewide program in Vermont in which special educators are helping to lead the way. Very large efforts have originated in other places as well, such as the Individually Guided Education (IGE) program being developed at the University of Wisconsin and vended by the Kettering Foundation, so that the ideas are not coming strictly from special education. Probably the best of the situations at this time is illustrated in Region XIII of Texas where you have the remarkably flexible Plan A of the State, plus IGE from the Kettering Foundation, plus the special educators' project SHIFT - all dedicated to individualization of instruction. Broadly framed programs for individualization of instruction thus, represent one of the domains for fundamental work of the next decade. When broadly-based efforts for individualization are made, the format of special education is changed radically - but almost everywhere special educators are said to be among the most able contributors to the new designs and operations.

A second area of concern to me is that of legislation which has too often been developed in categorical terms and then interpreted and implemented in simple categorical fashion, often using stigmatic labels in the process. Financial aids encouraged labeling children and putting them into special settings in Minnesota, fifteen years ago. Let me tell you briefly of one way of breaking out of systems governed by labels and "boxes."

Before 1957, Minnesota's legislative and financial aid system for special education was similar to that still followed in most of the nation; that is, special state financial aids were paid to local districts for every handicapped child identified by category and placed in a separate program of some form, mostly in special classes. The system rewarded educators for labeling children as retarded or emotionally disturbed and for displacing them from regular classroom settings into special classes.

In 1957 financial support in terms of child "categories" was recognized as being dysfunctional, and a new plan was instituted. Instead of dispensing funds according to the labels that were attached to children, the State began to pay two-thirds of the salary costs of the personnel who were needed to serve the children with special needs. Thus the attention was shifted from the child's handicap to the quality of the personnel and the programs that fulfilled his educational needs. The communities receiving the funds were able to develop more and better options to serve the children involved.

Under this arrangement the State could easily trace its funds to trained personnel who were employed to conduct specialized programs; it could make certain that children with handicaps were the ultimate benefactors of the aid; and it could check on the quality and suitability of the educational services provided to the children.

School districts were no longer so fully constrained; that is, it became possible for them to institute a variety of administrative arrangements to improve the programs for exceptional children. In other words, it became possible for the school systems of Minnesota to break out of the "two-box" system of special education.

In Minnesota we have moved a fair distance in removing the tendencies to categorize and label children. Increasingly, they can be served educationally in specialized ways as needed, but on the basis of individual studies and individualized plans and without the crippling effects of categorical boundaries. Nor need teachers carry the traditional labels; they can be described in terms of competencies rather than in terms of children's presumed defects. For example, one can speak of the Mobility Instructor rather than the "teacher of the blind," or the Resource Teacher rather than the "teacher of the learning disabled." Changes of orientation do not come easily, of course, because the initiation of any new system in an established institution generates some tensions. Nevertheless, it is clear that fundamental changes to promote the rights of children can be effected through a plan such as that adopted in Minnesota.

An example of programming that is now possible in Minnesota, but which the imperatives of financing would exclude in most states, is provided by one of the State's larger school districts. There, "learning disability" teachers were working with special classes of learning casualties at about the third- or fourth-grade levels. However, in order to prevent such casualties, the administrative arrangements of the district were revised so that the "learning disability" teachers could be put to work as team members with first-, second-, and third-grade teachers. The basic idea of the administrators was simple; if children who are in great educational difficulty at the third- and fourth-grade levels can progress with specialized help, why not supply the specialized help at an earlier point so that appropriate learning is made available in the first place? Success in this program has been positive and dramatic.

The program has required that what is special about education be provided very early in a child's school years. Children are studied carefully and programs are adjusted to suit their individual needs at the earliest possible moments.

With this new arrangement it is no longer essential to decide which children are **learning disabled**; all children are eligible for specialized assistance whenever and wherever they need it. Indeed, the arrangements make it obvious that the primary handicap was not the children's but the school program's. As the program has increased its alternatives and improved their quality, more children are learning well right from the start; and no stigmatizing labels are needed.

In most school districts across the nation the financial aids for special education still become available only when the child has become a full-blown learning casualty, that is, when a negative label can be attached to him. Consequently, much of the leadership talent of special education administrative officers at state and local levels must be spent on regulating the boundary lines of various "categories" of children rather than on devising and applying more and better ways of serving all children with learning handicaps. In the meantime, increasing numbers of parents are dreaming that their children be served adequately in the schools and without the use of stigmatizing labels as a starting point.

There are needed fundamental changes, along the lines of and well beyond our experience in Minnesota, which make it possible for schools to provide special education without first categorizing children as "defectives". Surely we can recognize differences among children and institute programs for them without using all the negative labels and dysfunctionalities of placement that have been part of the system in the past. Legislative changes will be required, without question, but even more fundamental is the reconceptualization of the task before us. And this is a major problem of retraining leadership personnel.

Having briefly outlined several kinds of content required according to the epidemic theory, I shall have to cut my discussion of

INPUTS at this point. I've said that it may be useful to distinguish, first, the center of the epidemic in which emergency training measures ought to be undertaken, second, the territory where the problem is spreading and where immediate but planful action ought to be launched, and finally, the longer-range implications for revisions of our field.

Process

In recent months I've participated in several training sessions in places where the epidemic is at its peak. People from many places in the country were brought together to share the capabilities which they had been able to develop and which might be useful in solving immediate problems following court decisions. In connection with this experience, I've thought a good deal about how poorly prepared we are to share expertise in our field. Because of limited time, my discussion of "process" for leadership training will form mainly on general problems of sharing or of dissemination.

The number of centers in the nation capable of providing top-level leadership in either ideas or practices in specialized fields is very limited. For example, we probably have no more than eight to ten places which can give really good help in training teachers of severely handicapped children. currently, we do not have any systematic means of assuring the uniform sharing of such scarce resources. It should be of great concern to us that we immediately develop the **processes** by which such sharing will occur.

It is a sad commentary that in education, one of whose major purposes is to teach the arts of communication, there has been a failure in our dissemination systems. In many of the federally supported programs in education over the past two decades, a major assumption has been that if projects to develop and demonstrate innovative programs are launched in selected schools or communities, a kind of "ripple" effect will ensue and the good word or deed will be extended to and adopted by other schools.

Unfortunately, this assumption has been unsubstantiated. It is a matter of record that the influence of federally supported programs has often been so limited, even in the structure of the host district, that when the federal funds were shifted elsewhere, the projects and the ideas they were developing passed out of existence. Consequently, too many current projects terminate in poorly drafted, minimally distributed and largely unread "final reports."

A fundamental change is needed if experience in one part of the nation is to influence educational practices in other distant places.

This change can be achieved, in part, if federal financial supports for special projects are made basic and continuous, rather than merely supplementary and temporary. Another means of increasing the influence of projects is through technical assistance which should be provided by the funding agencies because such assistance can often make the difference between a weak and a strong project, and between project results that can be applied to other schools in other situations and results that do not show such applicability. The federal government can also encourage more voluntary action in professional association to "share" results of project experience.

Further, funding agencies and professional groups should encourage high standards of communication in all project reports and other dissemination activities. The cost of quality in dissemination will be high, but payoff can be very great.

We must get over the secretiveness which is sometimes encouraged by present funding procedures and create mechanisms and incentives for early and fully open sharing of ideas and procedures. Colleges and universities must find ways of acknowledging and rewarding creative work in training domains and in community-based enterprises.

Perhaps one of the ways by which "sharing" can be encouraged is through the explicit provision of nationally oriented technical assistance centers, such as the Leadership Training Institutes now funded by NCIES and BEH of the U.S. Office of Education.

Over the past several years the University of Minnesota has been funded by the National Center for the Improvement of Educational Systems (NCIES was formerly BEPD) of the U.S. Office of Education to provide a Leadership Training Institute (LTI), a technical assistance facility for special education programs which are funded by NCIES. Experience as Director of the Institute has made me sensitive to the problems and potentialities of nationally oriented technical assistance systems. The LTI offers its technical assistance to projects through a variety of activities: outstanding specialists visit every project to offer on-the-spot perceptions and suggestions to local staff; training conferences are held for project staff on emerging problems and new procedures; dissemination conferences are held in which personnel from long-standing projects share ideas and materials with staff from new projects or centers; publications are developed which describe and evaluate emerging programs; and exchange visits across projects with similar purposes are arranged. The LTI has no power to make decisions on the funding of projects; its sole concern is to help make federally supported projects successful and to disseminate the knowledge gained.

As Director of the LTI, I have had good opportunity to sense repeatedly the strangely apprehensive atmosphere that frequently surrounds federally supported projects. Project staff members almost uniformly expect inspections and threats to funding – but little more – of the federal government representatives. I was difficult at first to convince project personnel that the LTI's functions were to help solve educational problems. I have used the word "strange" in this connection because in a wide range of experiences with educators at state and local levels, I have found that usually one is accepted almost immediately and routinely as a colleague. The reaction to the federal role is quite different, however; it is one of distrust and anxiety, which results in nonproductive relationships. This atmosphere can be changed.

It is my belief that, if the federal government is to become a substantial partner in the financial sense in any category of educational concerns, it must become a working partner as well. Especially in the case of low-incidence problems and very difficult educational problems such as those which flow from recent court decisions it is essential that there be organized a national effort to supply technical assistance to projects. This does not mean that the U.S. Office of Education must itself directly provide all forms of assistance or have the necessary ideas, but it can be charged with responsibility to organize efforts for assistance from all appropriate sources. In major part the assistance required is in the form of leadership training.

To a substantial degree the provision of adequate programs of technical assistance is an alternative to the extensive use of regulations by government agencies as a means of assuring adherence to legislative intent. For example, in recent years there has been much concern that federally supported programs be evaluated carefully. One expression of this concern has been in the form of detailed regulations, which are often followed only in perfunctory fashion at local levels. A quite different approach – and one I believe to be the essential approach – is to undertake a strong educational and assistance program which makes it possible for people to do evaluations that are sensible to all concerned.

There is much room for creative work on leadership training in contexts well beyond federally supported technical assistance systems. One of the encouraging domains at the moment concerns college professors who finally seem to be putting a bit of life into the Teacher Education Division of CEC. State Directors of Special Education have recently been enabled to establish a national office and to employ an executive officer; all of this promises better training and support for leaders. As yet, we do not have good processes for reaching general school administrators and leaders.

Product

What I would like to do at this point is to present some ideas in the form of a scenario for the near future. Recently the University Council for Educational Administration conducted a conference which I was privileged to attend on the topic of Futures Imaging. From that experience, I've felt encouraged to imagine, modestly in scope and for only the near future, a possible future for special education. It is always a problem in "futuring" that one's wishbone dominates the cerebrum, so my notions are probably more a set of wishes than of predictions. In any case, here is a set of "futures" by which I would judge our performances over the next decade and which represent the kinds of achievements leaders need to be prepared for and deliver.

1. The right of **all** children to education is fully acknowledged in our society. In cases of even the most profound handicap – the "crib" cases – society has accepted the obligation to provide training.

2. Special educators are engaged mainly in developing **program** which open up new and promising alternatives for children who present unusual needs; and the press is toward providing essential programs as early in life for children – and their parents – as needed.

3. Decision-makers, such as psychologists, counselors and social workers, work closely with other school staff members and with children and their parents to ehlp design appropriate educational programs and to make necessary decisions about programing. They are as expert in studying environments as they are in studying children; they now study children in the school environment rather than in isolated clinics. Nothing like simple categories of children is seen as sufficient.

4. School personnel are much less oriented to measurements of the usual norm-referenced kinds and to simple predictions and "institutional payoff"; instead measurements are more oriented to designing, monitoring and "deciding" about programs useful to individuals.

5. Schools generally have adopted management systems which make it possible for all children's programs to be highly

individualized and for school staff members to play special roles on "teams" of resource people. The "two-box" theory is dead!

6. Legislation for special education focuses on the development of needed programs; correspondingly, school leaders give their attention to creative program formation and to children's needs, not to the regulating of boundaries of "categories" of children.

7. Data are collected regularly on programs as well as on children so that leaders at all levels can see gaps and needs in programs in addition to the characteristics of children. Legislators are given details on programs and results – not just body counts of children on rosters in special centers.

8. Schools are active partners in broader patterns of public services which make it possible for each child and his family to be served in coordinated ways by school, health, welfare and recreational agencies. Effective program development has eliminated the notion of "referral" and separate appointments in different agencies. I am optimistic!

9. Professors and their students combine study and work in field situations where they share with local school authorities responsibilities for improving programs for children. Universities are still relevant, but they've gotten into new networks of agencies to serve their training needs.

10. Many small, private and public institutions have been developed for serving severely handicapped children; but these new agencies interact regularly and intensively with local schools – making it easy for children to cross boundaries from one agency or program to another.

11. The sharing of good ideas and new practices relating to the training of teachers and service to children is regarded as highly as sharing the results of research. Those who develop and disseminate useful ideas and procedures are rewarded for doing so.

12. Physicians, clinical psychologists and other professionals have improved in their abilities to consult in school situations and to appreciate the differences between medical and educational models. More of them are willing to work in schools and

are attuned to developmentally oriented planning as against a "recovery from defect" kind of orientation.

13. And we are no longer meeting the children of our classrooms and their parents as adversaries in the court room!

Conculsion

These are difficult, even "critical" times in our field. It would be easy and understandable for special educators to feel unappreciated if not defeated as they find themselves on the receiving end of directives from the courts. The cheers of the parent associations that we heard in the past when programs were multiplying in the community have turned to sour, doubtful assertive tones and to litigious claims upon our time and resources.

I think it is important to consider that, in the larger perspective, schools have become more inclusive of children and more accommodating and appreciative of human differences. The difficult confrontations of the moment, in the larger perspective, are signs necessary to further progress. In the history of labor-management relationships it was not the quiescent periods which provided progress – nor is it likely to be so in education.

The story in which we have had a part has been one of progressive inclusion of children in schools and community life. Except as progress was made in providing for the mildly and moderately handicapped, it probably would not have been possible for the professions or the courts to press for inclusion of the more severely handicapped. So, I think we should not take the difficult tensions of the moment as signs of failure or impending defeat but as signs of progress.

This is a time for change and for the sharing of services of all kinds in support of the difficult developments involved. At this time it is particularly important that provision be made for renewal of leadership personnel because the changes involved are profound and pervasive. They require a transformation of school programs to accomodate literally **all** children and radical changes in procedures by which decisions affecting children are made. These changes can be made only by aware and skillful leaders.

It is encumbent upon us to help undertake training for all educational leaders at this time not only because of court directives or even because there are new opportunities for serving exceptional children but also because there is unusual opportunity for the field of special education to help in the construction of a total system of education which is responsive to all children and to the community.

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part V

resolved: the public schools must serve all of the handicapped

PRO

THE PUBLIC SCHOOLS MUST SERVE ALL THE HANDICAPPED

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In reviewing the fine, thought-provoking presentations over the past two days, one has to wish at this point that renegotiation of his placement on the agenda were possible. Certainly, the presenters have provided "hard acts to follow".

The only positive aspect of presenting later in the conference has to be the ability it provides for monitoring the validity of one's thoughts in the light of such eminent colleagues as Maynard Reynolds and the other fine scholars whom you have heard. The disappointing aspect for you, the audience, is that you have already heard eloquent and articulate arguments for the need to provide all of the handicapped with an appropriate education – consequently, my task becomes one of summarizing and perhaps analyzing the implicatons of these arguments.

The first step that should be taken here is to provide some parameters for our discussion. What is meant by "all the handicapped?" We have agreed that, for today's purposes, "all the handicapped" means every child regardless of the nature or extent of his handicapping condition – no exceptions. Essentially then, my arguments support the thesis that the public school is responsible for seeing that an appropriate education is provided for every handicapped child, regardless of severity of handicapping condition and regardless of the setting where the child receives his education. This includes service in institutions, day care centers, clinics and other publicly funded agencies.

One point needing further definitional clarification is the length or duration of responsibility to be borne by the public schools. Most states have traditionally limited services to handicapped children to those of legal school age. However, a few states have modified the age ranges for receiving educational services both downward and upward. Idaho's law permits service from birth through 21 years, and a few states have extended the maximum age of eligibility beyond 21 years. Ohio places no maximum age limit on eligibility. for the purpose of this discussion we shall arbitrarily choose the ages birth through 21 years.

Another important factor in the discussion relates to some definition of "appropriate education." Obviously, any definition of education that is traditionally academically flavored will be inadequate for the children whom we are considering. A much broader conception of curriculum and educational experiences is necessary.

Minzey (1972), in speaking of the changing role of the schools, outlines the following implications of the broader demands on the schools:

"First, schools need to discharge their present accepted responsibilities more effectively. Second, they must extend their traditional services to **all** members of the community, not only the traditional student population. Third, the school must expand its activities in areas heretofore regarded as alien."

The new and more expansive view of the responsibility of the educational system portends great changes in the educational community. Cunningham (1971) has stated, "It is clear that school officials are in a new ball game. If they are to play effectively, they will have to develop new skills, new capacities, new understandings."

I recently talked with John Melcher regarding a visit he had made to Green Lake School in Seattle, Washington. Mr. Melcher expressed his surprise to find that there were no chairs in the room, there were no desks, there were no books, and, in fact, there was very little of the kind of furniture and equipment that we would traditionally expect to find in a public school classroom. Instead, the room was full of cribs, mats, potty-chairs, and other, somewhat unusual pieces of equipment. The basic curriculum being taught in this particular classroom included such rudimentary responses as teaching basic grasping behaviors, teaching the control of bowel functions, teaching crawling and walking responses, and a number of other very basic functions that we take for granted as achieved before children reach most public school settings.

It is clear, then, that the traditional expectations related to the scope and nature of educational experiences for which the school is responsible have changed and are changing substantially. The school is rapidly becoming the major socializing agency in society. It is the only agency that has a facility in every neighborhood in the country, and the public is expressing, rather, demanding, that the agency broaden its services to provide for children and adults in ways that we had never imagined. What, then, are the compelling reasons why we must provide such a broad range of services for handicapped children? First of all, there is the moral issue. We often shy away from and are embarrassed by the mere mention of moral commitment or obligation. One often gets the feeling that to speak of moral commitments is passe or in poor taste or is too emotionally based to be a valid reason for the support of anything worthwhile. It's as if the moral argument is an old, trite, exhausted argument—one that no longer needs expression.

And yet, one is struck by the incredible hypocrisy so evident in the discrepancy between what we say and what we do as professionals. Consistently and regularly we have affirmed and reaffirmed our moral commitment to the rights of handicapped individuals. In 1930, the White House Conference on Child Health and Protection proclaimed: "The emotionally disturbed child has a right to grow up in the world that does not set him apart, which looks at him not with scorn or pity or ridicule, but, which welcomes him exactly as it welcomes every child, and which offers him identical privileges." That was in 1930; and, if you read the literature in the 1940's, in the 1950's, and in the 1960's the same kind of statements appear almost identically and with regularity. Yet here we are in 1972 and are again reaffirming our belief in the rights of handicapped children. Nationally, it is a rarity to find a state that is serving 50 percent of the expected numbers of handicapped children needing such services. It seems clear that, while we may have paid considerable lip service to our moral obligation for providing for the educational needs of the handicapped, we have a long way to go toward operationalizing that moral statement.

If we are not to be guilty of continuing the same negligence which has led to such discrepancies between what we say and what we actually do, we must take aggressive, affirmative action to see that every handicapped individual is provided with an appropriate educational experience. The latest acceptable time to seriously begin this endeavor is **now**. The regrettable shame of the matter, if I may be so presumptuous, is really the existing conditions under which we are here examining our moral obligations to our handicapped children. We are not really gathered here out of great moral indignation or guilt for not having done an adequate job, but rather, we are gathered here in the shadow of the judge's bench to reexamine, to re-commit ourselves and to expand our advocacy for children.

Hopefully, in the future, we will constantly and consciously examine the discrepancies between what we say and what we do, and resolve not to relinquish our professional integrity and credibility. Even in today's society with its fast changing value systems, it is still defensible to do good things for our fellow man simply because we ought to do good things for our fellow man.

Aside from the moral issue there are other and equally compelling professional, social, political and legal considerations supporting the argument that we must serve all the handicapped.

From a professional point of view, we must serve all the handicapped in order to revitalize our professional growth. In accepting the challenge for providing effective educational experiences for all handicapped children, regardless of the severity of their conditions, we are forced to be a better profession than we currently are. Since the profession will be held responsible for the successful learning experience for all children, it must develop a different philosophy and better strategies for producing desirable behaviors in children.

Basically a "zero reject" concept which places responsibility for success on the professionals involved requires a change in our traditional disease-oriented, disability-oriented approach to the educational problems of handicapped children. We must become less enamored and influenced with an educational philosophy that places the focus of problems on the child – that sees the child as defective. This kind of philosophy stifles possible new developments in the profession by limiting our professional efforts to finding ways to modify the child to fit the environment. Such an approach is destined for failure in a climate which views the child as one part of a complex interactional process with his environment. The professional can no longer accept as excusable the contention that nothing can be done due to the child's limitations.

Rather, if the profession accepts the responsibility for each child's success regardless of his limitations, it then opens the door for a much broader view of the intervention process. The profession should become less interested in descriptive statements by diagnosticians emphasizing what the child **cannot do** and more interested in what the child **can** do and the conditions under which he is able to perform. The intervention process is then seen as multi-faceted in the sense that planned changes may be targeted at parents, teachers, peers, system policies or other system elements that seem to bear on the success of the child. The onus or responsibility for success is no longer placed totally upon the shoulders of the child. As one professional whom I can't recall said, "There are no child failures, only system and program failures."

The acceptance of such a philosophy or "systems approach" to education of the handicapped creates a professional expectancy that an adequate job can and will be done for each individual child. Since child failure cannot be tolerated, since it is unacceptable to reject children from specialized educational services for reasons such as lack of ability, not toilet trained, cannot profit from school, is disruptive, doesn't have speech, ad infinitum, the profession is forced to stretch its creative talents in search for better techniques, strategies and approaches to help the child **and his environment** better accommodate one another. In essence then, the acceptance of the challenge that **we must serve all the handicapped** with no exceptions sets up professional expectations that may become a very positive self-fulfilling prophecy leading to advanced professional development.

That such professional growth is occurring is attested to by such developments as behavioral task analysis, response contingent instruction, experimental analysis of behavior, continuous measurement and recording systems and others which have developed out of a concern for removing the locus of the instructional problem from the child and placing it more on the total ecology of the child, including the complete array of environmental factors and child-environment interaction.

Accepting responsibility for the successful education of all handicapped children creates a whole new thrust for the profession. The profession begins to diverge toward other system elements rather than converge always upon the child. Our interest may focus upon poor facilities design which limits the opportunities for some physically handicapped children; it may focus on system or board policies that unduly penalize handicapped children, it may focus on poor grading practices that are norm referenced, on poor teaching practices of regular teachers and a myriad of other areas not previously seen as the purview of specialized educational services.

These factors lead to the need for better communication systems with regular education, for more advanced systems of service delivery, for development of an interaction system with regular education rather than a parallel and separate system, for better community relationships, for parent involvement and for numerous other program developments. The possibilities are exciting, and we owe ourselves such an opportunity for professional analysis and redirection.

In addition to the moral and professional issues there are social arguments for educating all handicapped children in the public school. It is likely that the social stigma attached to handicapping conditions will undergo little change as long as we continue to shield the public from the everyday contact with children and adults with handicaps. The aura of total incompetence that often surrounds those who are handicapped needs to be tempered by visibility of capable, handicapped persons in the community. Our past practices of rejection, segregation and institutionalization have hardly been models for society to emulate and need to be revised now for the social welfare of all concerned.

It is with considerable reservation that I raise the economic argument. I firmly believe that the costs of providing an effective education, providing human dignity and feelings of self-worth and providing skills for increased independence are well worth whatever the cost. However, when policy makers are faced with spending priorities, they often do not share such altruistic motives. Therefore, some mention needs to be made relative to the economic impact of a policy to serve all the handicapped with an appropriate education.

Certainly it is expensive to educate all handicapped children, but I believe it is infinitely more expensive **not** to educate them. This expense is reflected in wasted human resources, lost tax dollars, exorbitant costs for institutional care and increased welfare and increased public assistance costs. While it may cost tax payers upward of $40,000 to educate a seriously handicapped child, failing to provide that education may lead to a life of institutionalization at a cost in excess of one half million dollars. (This estimate represents $10,000 per year for a lifetime of fifty years). This represents a minimum saving of $460,000 for preventing the institutionalization of a handicapped person if he is able to reach a minimum level of self-sufficiency. If we do our job **very well** and the individual is able to earn a living for himself, he becomes a tax contributor; and the savings are even greater.

The decision variables determining whether an individual is institutionalized or whether he can remain in the community really represent a relatively small number of behaviors. If we can teach or train an individual to provide for his own body needs (i.e., toileting, bathing, etc.) to dress himself, to minimally prepare his food, to behave acceptably and to be mobile in his community or neighborhood, we have gone a long way toward preventing the institutionalization of that person and insuring him a place within his home and his community.

From a political point of view we have much to gain by moving aggressively to educate all the handicapped. Those of you who have organized community or parent groups as advisors to your programs are well aware that it is much better to have these political forces in the community as colleagues moving together toward mutual goals than to be in a reactive position of being constantly "kicked along" from one improvement to the next.

When the political forces see you as an innovative, aggressive leader, they treat you with respect and are open to logical, reasoned approaches to improvement. However, if they see you as an obstructionalistic bureaucrat whom they have to constantly prod to gain improved programs, their respect, trust and patience diminish. If we are to maintain our credibility as leaders in the movement toward quality, effective services for the handicapped, we cannot afford to qualify our commitment by accepting some of the handicapped children and excluding others. This kind of heresy is very costly with the political forces of the community.

Finally, it seems clear from this conference that we must educate all of the handicapped because we are legally bound to do so. From this perspective, then, all the preceding arguments were really academic. The legal mandate to serve all handicapped with an appropriate education is argument enough to support such a move. Either we serve the children out of moral and professional commitment, or the courts will see that we do.

The question then becomes not whether we must serve all the handicapped but, rather, under what conditions? We can aggressively move to develop programs to meet the objective and by so doing maintain our leadership image, maintain our credibility, maintain our personal integrity, and maintain our professional options and lead time for planning. The courts will not interfere if we demonstrate an aggressive plan to serve all handicapped children. But, if we take this matter lightly, if we dawdle, if we drag our feet, if we scoff, we have everything to lose and little to gain. Once the courts become involved, lead time for planning is endangered, community and professional credibility is damaged, and local options for providing the services may be lost, particularly if an outside referee is appointed to insure compliance.

At this conference many fears have been expressed that the next move for the courts might be to determine the criteria for the "appropriate education" which they are guaranteeing handicapped students. Certainly the courts are not experts in exceptional education. Yet they appear ready to move very deeply into the whole area of educational programming with little compunction. The only way we can prevent such a travesty is to accept our responsibility as the professional leaders and advocates for "all handicapped children" and quit waiting for outside pressures to force that responsibility. We cannot sit idly by and allow other agencies, courts, parents, lawyers, or judges to do the job we know has to be done.

To paraphrase Fred Weintraub's analogy of yesterday, the bull of litigation and public indignation is loose and charging. We can either move like hell before the onslaught and maintain some semblance of professional dignity or we can continue to graze contentedly in the fields of indifference. But, if we choose the latter course, we had better damn well brace ourselves!

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CON

THE PUBLIC SCHOOLS MUST SERVE ALL THE HANDICAPPED

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First of all, I should like to make one thing very clear – I am not against motherhood and apple pie. I, too, am an American. But, as an administrator in a large urban school district, I must advocate a "con" position on this debatable issue of whether the public schools must serve **all** the handicapped. Let me elaborate on just a few reasons for this position:

1. There is no **starting** or **ending** point as far as age is concerned.

2. There are **no limits** regarding the **severity** of the handicap and the services needed.

3. There is **no commensurate financial obligation** on the part of anyone except, presumably, the public schools.

4. There is pending litigation related to this, which in turn, causes me great concern.

I would like to assure you, at the outset, that I **do** support Bob Herman and Ed Martin's goals – that we should provide education and training for all handicapped children. I feel, however, that this is the responsibility of society – of this country – not necessarily the public school agency exclusively. I suspect that, if anything, we could be criticized for empire-building as we move more and more into the province of other agencies, and we seem to be doing that on an annual basis. I further agree with what Bob Herman said yesterday – that the conditions which exist at the Willowbrooks and the Partlows are deplorable and should not be continued! But, I would also say that it is not necessarily the public school agency's responsibility alone to correct these ills.

This morning, Maynard talked about child study – and we have had a number of very interesting and lively discussions on this matter! – and he alluded to the fact that almost all child study should take place within the confines of the public school setting. Advocates of this point of view continue to shift the function of the Department of Mental Hygiene, Department of Welfare, and the Department of Health to the education agencies. Actually, if we continue to move in this direction, I'd question the **need** for the Department of Health, Education and Welfare. Perhaps all we need is a Department of Education – and that's not bad, I guess, provided we are given funds to operate the three departments as one. Usually when we're asked to assume the responsibility of other agencies, we're not given commensurate funds to perform this function. In fact, we're not usually asked – we're mandated – to cite a case in point:

In California, a bill was recently passed accompanied by a cutback in state funds for custodial institutions for the severly handicapped. In essence, the mandate was to close institutions for the severely handicapped and move that population back to the local communities for necessary care. One might agree that we shouldn't have such state institutions for the handicapped. I am not advocating that we should. I am simply stating that, generally when this occurs, the level of support for the individuals in these institutions is not transferred to local agencies by the State. The public schools are then mandated, in many cases, to "care" for these youngsters with no additional funds other than those which were allocated on some categorical basis. Programs like this stretch the imagination, to say nothing of stretching dollars when they become the responsibility of the public school agency.

A second case in point: In California, the Welfare Department has contracted with local agencies for the retarded, usually parent organizations, to provide pre-school programs for the severly retarded. A regulation was recently adopted which stated, in effect, that this is not going to continue – that this is the responsibility of the public school agencies. Fine, except that there is no additional financial support for operating these programs.

Another interesting bill which was passed requires California schools to increase the hearing and vision testing of pupils from three grades to five grades. Again, there was no additional compensation for this additional task – not that it isn't both worthwhile and necessary.

Certainly, education should be continuing from birth to death, and perhaps the public schools should provide it. I am simply suggesting that, if we assume this responsibility, we are going to need the financial resources to do it. The large communities in this country are already having difficulty educating youngsters between the ages of 6 and 18. In fact, some charge that we are doing a mighty poor job of it! Then we are asked to assume the further responsibility of programs for far more children than those who merely fall between those ages.

As an example, in San Francisco the State reimburses us by paying approximately 11 percent of the total bill of educating youngsters in the city. The Federal Government contributes about 6 percent. The local community contributes the remaining 83 percent toward educating all youngsters in San Francisco. And I might add that, contrary to popular belief, the taxpayers and property owners in San Francisco pay as much, if not more, for the education of their youngsters than those of you in any other community throughout these United States. I said "popular belief" because, technically, the State claims that we are a wealthy district. We're wealthy – on the verge of bankruptcy!

Let me read a few brief quotes from "Schools, People, and Money: The Need for Educational Reform" by the President's Commission on School Finance. The first statement is by John Fisher, President of Teachers College of Columbia University, on the need for Federal involvement:

"If we really mean it when we say that every American child is entitled to equal educational opportunity, we must be prepared to use Federal means to bring about such equality." Another statement was made by John Davis, Superintendent of Minneapolis Public Schools, whom you heard yesterday and one who had quite an impact on the writing of this report – commenting on full State funding of public schools:

"The report states that local communities should be able to supplement by 10% the amount of state support. This may be appropriate, but in the absence of knowledge as to how the several states will view the unusual problems and needs of central cities and their children, I cannot assume that the basic state support will be sufficient."

This topic – full state funding and local control – is also the text of a major paper by Dr. James B. Conant in the October, 1972, issue of the **American School Board Journal**. I recommend it to you.

Finally on this topic, I should like to read some brief remarks by Bishop McManus, Director of Catholic Education in Chicago:

"School systems on the verge of bankruptcy, like all too many of the large city school systems, need immediate, unrestricted, emergency Federal help to stay in business. Federal funds for demonstration projects and other specialized purposes, ideal though they may be, are not the real need in most cities today."

Should local districts, therefore, be mandated to provide an educational or training program for all children without appropriate financial support? I say "No" and I wish more of you would say the same! I don't believe we will ever get the "Feds" off-the-dime unless we say this collectively instead of trying to stretch that educational dollar any farther. I think it has already been overstretched! The more responsibilities we assume – the more we are going to be asked to undertake. And then, ironically, we are often criticized for not providing a "quality" program on this "shoestring budget"!

As I have mentioned previously, we are asked to assume responsibilities for what some of us in large cities have felt is the responsibility of other agencies. I presume a number of you have school nurses, as an example. I contend that school nurses could do a better job if they were public health nurses. It happens that in San Francisco we do not employ our own nurses but, rather, contract with the Department of Public Health for these services; and we feel these health services are very comprehensive. I have found that when Special Services Divisions employ nurses and assign them to the schools, in most cases the school site administrator really wants them for emergency medical reasons – generally, to be band-aid appliers. Most schools don't use the full resources of the nursing service. I believe that nurses employed under the Department of Health instead of the School Department are able to provide the schools with more comprehensive health service. I cite this as just one example of how professional competence can be misused and stress that the service to the schools might be better directed (and financed) by the Health Department. What school site administrators want and need on-site is someone to attend to emergencies; and I suggest that, if this is the case, we should consider the use of school health aides rather than school nurses.

Another contention: Most programs for the severely handicapped should be State programs funded through regional offices in the appropriate agencies. Let me use an example:

We were asked to open two classes for deaf/blind youngsters three years ago because of our geographical location. These deaf/blind youngsters were not from San Francisco. We readily agreed to provide an educational program for them. I don't suggest that any other agency should have assumed this responsibility, but it should have been the financial responsibility of all school districts in California – not San Francisco alone. It should, therefore, be the responsibility of the State to support the program – not the sole responsibility of the district which happens to provide the services. Taxpayers in large cities should not be expected to pay the excess costs required for these programs. It is erroneous to consider them as large district programs when they are, in fact, state programs which should be funded accordingly.

It is one thing to do something for the sake of humanity; it is quite another thing to be mandated by the legislature or the courts to provide a program for all handicapped children without appropriate staff or sufficient funds. Mandates like these generally raise the expectations of parents which later give cause of anxieties and, in many cases, disappointments. If all parents were willing to accept the fact that the schools are "doing the best they can with the funds they have avilable to them" this would allay some criticisms. Quite the contrary is beginning to occur, however. Let me read a brief article by Bryce Anderson, who is editor of the **Independent Journal**, a newspaper published in Marin County, California. Mr. Anderson summarized a recent "Saturday Review" article written by Gary Saretsky and James Mecklenburger. The authors prefaced their article with the statement that "It's not at all unlikely that the 1970's will see consumers 'suing the schools' to enforce what they see as a right to quality education." Interestingly, one of the court cases they described was tried and dismissed before their article even reached print and the other suit appeared in small claims court shortly thereafter. The specific cases which they cited in their article might prove of interest to you:

Mrs. Viva Lundgren of Banning became the first to sue the schools over non-performance when she filed in the small claims division for $500 in behalf of her grandaughter, Stacey Lundgren. The basis of her claim was that Central Elementary School had failed to teach Stacey to read, write and spell. Mrs. Lundgren's case was dismissed by Judge Willingham of Brawley, designated to hear it by the State Judicial Council after three local judges – one of them a member of the Banning School District board – disqualified themselves. Judge Willingham, after a hearing, told Mrs. Lundgren that small claims court was not the proper place for her case. He suggested she might join other parents to bring a class action suit in superior court.

This did not deter Mrs. Bobby Taber of Beaumont from following Mrs. Lundgren's lead, however. She filed suit for $500 in Beaumont Justice Court against the Beaumont School District on behalf of her son Robie. Mrs. Taber said she has three children in Beaumont schools – in fourth, sixth and eighth grades – and none of them had been taught to read. Therefore, the school district, she contended, owed her damages for non-performance of an implied contract.

Mrs. Lundgren and Mrs. Taber have posed a basic challenge. Both claim that their children were promoted from grade to grade without learning to read. This, they contend, violates the schools' contractual responsibility. Stacey Lundgren's third grade teacher testified the child had not been retained because children become discipline problems if not allowed to advance with their peer group.

Saretsky and Mecklenburger suggested that recent state and federal court decisions indicate that schools may be held accountable for providing quality education. They predicted class action suits to force upgrading of teaching.

Such cases may prove to be the heart of future accountability suits. Does the school's interest in preserving what educators call a "desirable learning environment" transcend its contractual obligation to see that pupils attain certain educational levels before promoting or graduating them? If it does not, school systems will have to define what those contractual obligations are.

In conclusion, I'd like to again quote John Davis, this time on the matter of accountability:

"Accountability is an essential requirement of a responsive school system, but much care must be taken to insure that what is divulged in no way penalizes the learner or places an undue burden on the faculty for failing to have overcome great deficiencies in society which affect learning."

Ladies and gentlemen, that is all I'm asking you to do. Do not expect the schools to solve all the problems of society!

part VI

the courts and emerging public school leadership programs

RESTRUCTURING SPECIAL EDUCATION LEADERSHIP RESOURCES: THE MINNEAPOLIS MODEL

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The last ten or fifteen years have been witness to extraordinary growth in both the quantity and variety of public school provisions for handicapped youth. Several factors have been important in creating this growth condition, among them increased national awareness and social consciousness, strengthened and more politically influential parent and professional groups, and, more recently, litigation and court action.

As this extensive system of school resources for the handicapped has grown, a system of formal leadership resources for the organization and administration of programs has also developed. The Federal Government, state education agencies, and local school districts have organized extensive leadership systems. Many large cities have, for example, created Assistant or Associate Superintendent posts for special education leadership purposes. Few large school systems are now without at least a Director and a number of coordinating or consulting level special education positions. In addition, some of the most phenomenal growth in special education leadership positions has taken place in non-metropolitan areas in the form of leadership required to staff the many new special education cooperatives and intermediate units.

With few exceptions at any level of school government – national, state, or local – these existing leadership systems have at least two commonalities: (1) persons who hold leadership positions have generally been trained as teachers of some category of handicapped persons (retarded, speech handicapped, etc.) (Kohl, 1971) and (2) leadership assignments within the special education operation are made with major reference to categories of handicapping condition. Coordinators, supervisors, and program consultants are usually singularly responsible for programs for the "retarded", the "emotionally disturbed", the "blind", or other categorically titled program arenas.

Currently, professionals and others have demonstrated great interest in the importance of creating service delivery systems which minimize reliance on use of labels or categories, which present multiple options in addition to the typical special class, and which place major responsibility for the education of most handicapped youth on "regular" class teachers.

In accord with this interest and demonstrated need, school systems across the country have begun to rethink their service delivery systems, and several have embarked on either pilot or full-scale efforts to create service options which are essentially non-categorical in nature. The Texas plan, the Vermont approach, the Santa Monica model, the Minneapolis Harrison and Seward models, and others are representative attempts. In the near future, we will see extensive dissemination and utilization of non-categorical, multiple-option service delivery systems. In several years, school systems operating categorically based special education programs which rely principally on special classes will be at best anachronistic.

Obviously, these new programming models and systems harbinger the need for leadership systems organized much differently than those now extant. It will be very difficult for school systems to advocate, much less effectively operate, non-categorical, multiple option programs with categorically defined leadership systems. Not only is there a clear need to minimize the use of categories in structuring tomorrow's special education leadership resources, but the new demands of mainstreaming and of court-required full service to all handicapped will require new leadership dimension and structure. Clearly then, given current program direction, most public school leadership systems for the handicapped need extensive redefinition in both form and substance.

The Minneapolis Public Schools, as one of those school systems faced with the problem of a formal categorical leadership structure, and yet desiring to move on a system-wide basis into a more performance-based levels of service program, initiated a process in 1970 which culminated in a totally reorganized special education leadership structure. The remainder of this paper will briefly discuss several topics related to this effort, and will include background information on the Minneapolis special education effort, some reasons for leadership reorganization, several basic assumptions, selected objectives of the reorganization, a description of the reorganization process, the model which was developed, and the projected evaluation system for evaluating first year implementation of the model.

As the length of this presentation is limited, the following comments on the Minneapolis model will of necessity be in summary format, and a great deal of the substantive detail, including references to other relevant literature, will be omitted. Further information on any of that which follows may be obtained from the authors.

The Minneapolis Public Schools

The Minneapolis school system, nationally recognized for many of its progressive educational programs, currently serves approximately 61,000 school-age youth in approximately 100 elementary and secondary schools. These students are drawn from a base population of approximately 500,000; the school system enrolls approximately 14% minority students (principally Blacks and Indians), is under court order to desegrate its schools, has experienced a union strike, has problems with aging physical plants, is in a fiscal squeeze, has lost approximately 10,000 students since 1967, and expends approximately $80,000,000 per year to educate those students currently enrolled. Except for size of student population and budget, this list of problems is similar to those experienced by many other small and large cities across the Country.

Although the several problems referenced above represent serious impediments to quality programming, progressive leadership by the Superintendent and the Board of Education have in the past few years yielded many innovative practices and programs.

The Minneapolis Special Education Effort

The Minneapolis program for the handicapped began in the early 1900's, and served mostly blind, deaf, and retarded students. Since that time, the program has expanded to serve a cumulative yearly total of 11,000 handicapped students in one type of service or another, exclusive of services provided by district school social workers, psychologists, and health personnel. One thousand full and part-time personnel are currently employed by the Special Education Division, and are assigned within a "levels of service" delivery system which makes extensive use of special education resource teachers and tutors, and which attempts to minimize reliance on special classes.

Total budget in support of the program exceeds $8,000,000 annually. Approximately $5,500,000 of the total budget is expended on instructional program resources, with the remainder expended for support services of school psychologists, social workers, health personnel, clerical staff, administration, and program supervision.

Approximately 50% of the operating budget is income from state special education reimbursement.

The Division operates all of its direct instructional programs out of the "Program Services Department", one of four major Departments responsible to the Director of Special Education. Other Departments are those for School Social Work Services, School Psychological Services, and School Health Services. An Assistant Director is in charge of each of these four Departments.

Prior to the current leadership reorganization, the "Program Services Department" represented a typical categorical leadership model, with coordinators or supervisors in charge of the Mentally Retarded, the Visually Impaired, the Physically Handicapped, etc. A total of some twenty persons had specific leadership roles in the Department, nearly all of them closely tied to disability categories.

Why Restructure Leadership Resources?

The major reason for restructuring was that the special education categorical leadership structure was out of phase with both the actual program delivery system and with plans for further decategorization and mainstreaming. It was becoming increasingly difficult to justify maintenance of a system of categorical supervisors and coordinators while at the same time speaking out for minimizing the impact of labeling on children, for non-categorical resource teachers, and for less reliance on special classes.

At the operational level, each elementary and secondary principal found it necessary to relate to six or seven different special education supervisors, contingent on which category the problem could be forced into. In addition, each of the "categories" seemed to call for a communications and logistical system which was different from each of the other categories, with resulting logistical confusion, low response time, dysfunctional competition for resources, lack of clear statement about Division policies and procedures, and general communications breakdown.

Assumptions Basic to the Reorganization Effort

As a means of providing perspective on the task, several major assumptions were generated prior to delineating reorganization tasks and timetables. Several of these are listed below:

1. The one over-riding issue is that of structuring leadership and other resources to increase or maximize life chances of boys and girls with serious learning or adjustment problems, or who are

otherwise handicapped. We assumed that any leadership structure which evolved would be designed with this goal in mind, and that certain power and resource trade-offs might be required as we strive toward that goal.

2. The phrase "reorganization of special education leadership resources" was accepted as most descriptive of the task ahead, as contrasted with the phrase "administrative decategorization" or similar terms which seem to represent a smaller circle than we intended to cast. The underlying assumption is that the problem requires, rather than a mere shuffling of titles to minimize the visibility of categories, the restructuring of total leadership resources, one aspect of which represents program administration.

3. It was assumed that leadership resources have impact beyond their relative statistical relationship to other program resources. As leadership resources in the Minneapolis Special Education effort represented approximately 5% of total resources, it would have been difficult to justify the time, money, and energies which were needed if one could not expect more than a 5% impact. It was assumed, then, that properly organized and targeted leadership resources are fundamental to creating systemic change.

4. Since change in formal organizations of any magnitude has its major impact on the organization's human resources, it was assumed that a great deal of personal and organizational trauma would occur, and that both overt and covert efforts would develop in attempts to discredit or retard change.

5. It was assumed that reorganization of leadership resources alone would not solve all problems of labeling, of overdependence on the special class mentality, and of lack of due process and equal protection. The reorganization was viewed as a primary means of providing a more current and defined base of operation for focusing more effectively on these problems.

6. It was assumed that the key to providing leadership adequate to the task was a basic restructuring effort, and that additional leadership complement for the special education division was not necessary for success. Specifically, the reorganization was undertaken with a commitment to developing a model which would not immediately require new leadership positions, but which would be able to fly with existing personnel positions.

Reorganization Goals

Any attempt to effect significant organizational change must be guided by an operationally defined set of targets or goals – goals whose realization will directly relate to the solution of those basic problems creating the need for change. Goal arenas pertinent to restructuring the Minneapolis special education leadership systems were minimizing the labeling phenomena, development and acceptance of a multiple-option service system designed to minimize the need to segregate young persons into "condition-alike" programs, and development of a responsive, effective, and relevant leadership structure. Several specific goals related to these goal arenas are listed below:

1. To decentralize the decision making process.

2. To encourage the development of resource allocation systems which are designed to focus financial resources at the point of program operation.

3. To bring into concert the administrative and program components, i.e. to ensure that the administrative component is functioning with a philosophical, organizational, and conceptual base consistent with that of the philosophical and conceptual base of the program component.

4. To encourage by administrative and organizational structure the development of delivery systems which do not place unjustified emphasis on categorical labels.

5. To effect an organizational structure that does not rigidly hold individuals into positions with the ultimate effect of reducing their incentive and efficiency.

6. To generally enhance the development of leadership systems that are accountability focused.

7. To arrange special education leadership and program components so as to allow maximum opportunity for impact on the priorities of the regular education programs vis a vis the needs of handicapped students.

8. To arrange program leadership structure to the end that competition for resources by supervisory and administrative personnel is not based on variables unrelated to child centered objectives.

9. To enhance the ability of the schools to make flexible use of innovative and experimental special education service options.

10. To maximize through the reorganization the most effective use of personnel in administrative and supervisory positions.

The Process

Briefly, the reorganization process involved several steps, among them an assessment of leadership structure and systems in other urban special education programs, analysis of current leadership role and function requirements, development of a relevant personnel utilization model, staff development and input sessions with existing leadership personnel, a series of input and legitimating sessions with internal and external reference groups, development of a final model suitable for first year implementation, assignment of existing personnel to roles within the model consistent with a defined personnel utilization model, development of first year reorganization objectives, structuring of orientation and training activities for staff and "significant others" focusing on the goals and structure of the projected leadership system, and design of a formal evaluation system for the first year effort. Several of these reorganization process steps are briefly discussed in the following paragraphs:

Analysis of Other Leadership Models

Site visits were made by the Director of Special Education and/or the Assistant Director for Program Services to eight major city special education programs. The principal objective of these site visits was to determine if other special education organizations had (1) attempted leadership reorganization which would minimize use of categorical references, and (2) developed models which might be generalizable.

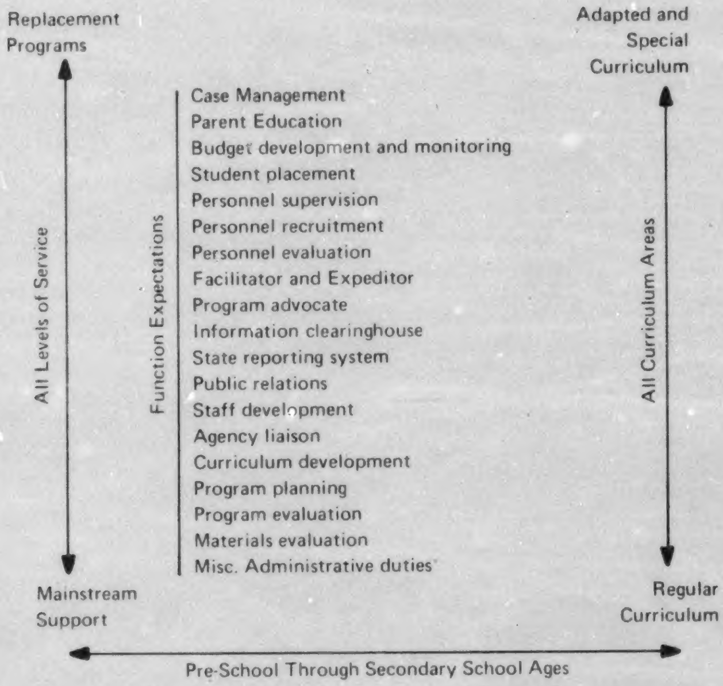
These site visits were revealing, in that great dependence on categories and on special classes was observed. Also, the leadership system in each of these cities was highly related to this categorical model, and, at the time, no single city of those visited had specific plans for restructuring leadership resources along other dimensions, although several had plans to begin developing resource programs.

Leadership Personnel Assessment

Ciritical among the major reorganization activities was the conduct of a leadership personnel role and function analysis and needs assessment.

The analysis of extant role and function of leadership personnel revealed that persons responsible for categorical programs were accountable for designing and operating programs for students of all ages; were required to be knowledgeable in all curriculum areas; were required to be equally knowledgeable about resource programs, special classes, and special schools; and were required to attend to a host of diverse functions. Figure one illustrated this status.

Figure 1
Role Parameters for Categorical Program Supervisors


Replacement Programs
Adapted and Special Curriculum
All Levels of Service
Function Expectations
Case Management
Parent Education
Budget development and monitoring
Student placement
Personnel supervision
Personnel recruitment
Personnel evaluation
Facilitator and Expeditor
Program advocate
Information clearinghouse
State reporting system
Public relations
Staff development
Agency liaison
Curriculum development
Program planning
Program evaluation
Materials evaluation
Misc. Administrative duties
All Curriculum Areas
Mainstream Support
Regular Curriculum
Pre-School Through Secondary School Ages

Clearly, categorical supervisors were required to bear expert witness as both program specialists knowledgeable about the uniqueness of the category or program, and as generalists responsible for many management or administrative functions not necessarily related to the uniqueness of the category. In addition, in districts where levels of service exist to support handicapped youth in mainstream programs, the categorical supervisor is required to be as expert at providing technical assistance to those mainstream efforts as he is at operating special classes or special stations.

In our opinion, these expectations imposed on any one person are unrealistic and unmanageable, and typically result in an individual focusing on those job responsibilities he or she is most interested in and skillful at, and little energy is given to other important program dimensions. For example, in an analysis of categorical supervisors in the Minneapolis program, we found persons who had great management ability and those who had little interest in applying sound management practices, persons who were extremely well grounded in technical program knowledge and others who were not, persons who were very interested in and knowledgeable about interfacing with regular class systems and others whose expertise and interest was with replacement educational programs, and a host of other combinations.

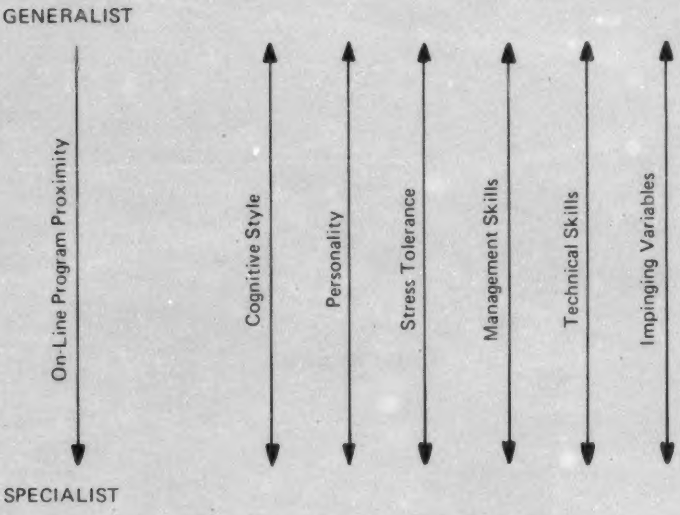
This analysis of the current role and function of leadership personnel made it clear that a more effective system of personnel utilization, based on more than categorical relevance, would need to be developed. In seeking to develop an effective personnel utilization format, two primary factors seemed important – those being (1) the relationship between the structures of the leadership and service systems and (2) the relationship between expected job functions and personal skills and interests.

The first of these – the relationship between the structure of the leadership system and that of the service delivery system – was important, as lack of congruence would inevitably result in bifurcation of goals and, for many staff, in a great deal of cognitive dissonance. If the program is of the single option (either regular class or special class) categorical genre, and if intentions are to continue in that manner, then a categorically oriented leadership structure should suffice. However, if the special education delivery system is expected to be levels of service or "cascade" (Deno, 1971) in structure, then the leadership structure ought to be designed around the requirements of that service model. As is illustrated by figure 1, a categorical leadership structure operating a multiple-option program is basically unworkable and/or ineffective. Inasmuch as the Minneapolis program is strongly oriented to the multiple-option, nonlabelling, performance-based philosophy, the determination was made that a leadership and administrative model would be created to directly relate to a levels of service program operation.

The second of these primary factors, the relationship between expected function and human variables, is, as figure 1 illustrates, an important dimension. Stated more directly, a positive and reasonable relationship must exist between human competency and expected performance.

In addressing this problem, an attempt was made to develop from the list of functions in figure 1 some clustering of functions and to develop a construct which might be useful in determining cluster utility, and in matching existing leadership personnel to whatever new or redefined roles evolved. This construct, or cognitive set, is illustrated by figure 2, and is based on the notion that, at any given level of service to clients (i.e., mainstream support, special replacement programs) there will be functions requiring general management/administrative competencies, and functions requiring technical program or specialist competencies.

Figure 2
Specialist-Generalist Construct


GENERALIST
On-Line Program Proximity
Cognitive Style
Personality
Stress Tolerance
Management Skills
Technical Skills
Impinging Variables
SPECIALIST

Utilizing the Specialist-Generalist construct, function clusters were developed, as illustrated by Figure 3.

Figure 3
Function Clusters for Special Education Leadership Systems

GENERALIST
(Manager/Administrator)

- Personnel Recruitment
- Expeditor and Facilitator
- Program Advocate
- State Reporting Systems
- Public Relations
- Budget Development/Monitoring
- Various Administrative Duties
- Information Clearing House

Level-Specific Responsibility

SHARED*

- Program Planning
- Program Evaluation
- Staff Development
- Agency Liaison

SPECIALIST
(Program Supervisor)

- Personnel Evaluation
- Personnel Supervision
- Student Placement
- Case Management
- Curriculum Development
- Materials Evaluation
- Parent Education

Within Level, Program-Specific Responsibility

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*Other functions may also represent "shared" functions, contingent on negotiations between the generalist-manager and the specialist supervisor. Typical examples are "personnel evaluation" and "personnel supervision".

These function clusters do not represent mutually exclusive domains, as both generalist-manager and specialist-supervisor will be involved in some way in the other's domain, i.e. both have public relations and personnel evaluation responsibilities. The emphasis here is on the relative amount of time spent, and on proximity to on-line programs. In this model, the generalist would be responsible for a specific level of service or part of the "Cascade" (i.e., Programs in support of the regular classroom teacher or of all special schools), and would manage the efforts of several technical specialists. Through this approach, it is possible to relate leadership structure to the levels of service concept, and to also begin packaging functions into manageable units.

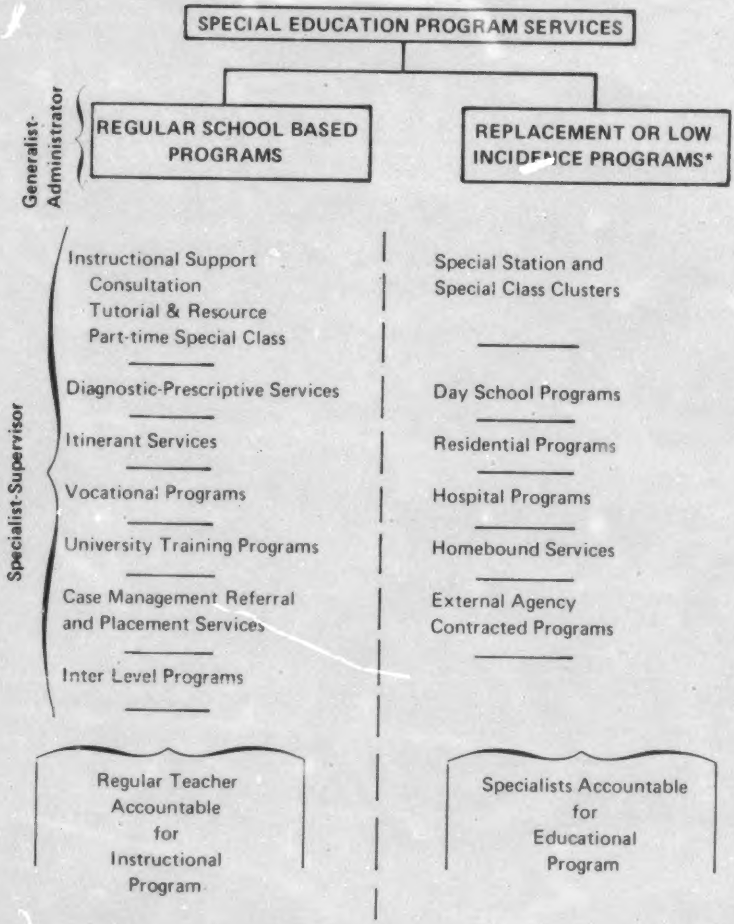
The Specialist-Generalist construct illustrated by figure 2 was utilized to determine which of the existing special education leadership personnel would be most appropriately assigned to management or generalist responsibilities, and which would be more effective in on-line program supervision responsibilities. While space will not permit more than cursory reference to application of this construct, suffice it to note that there are, for example, quantitative and qualitative stress tolerance differences between the management-generalist role and the specialist-supervisor role. Equally, there are persons who could tolerate the day-to-day personal stress associated with on-line program operation, but who would not do very well in coping with stress brought about by budget session in-fighting or by the ambiguity of tasks associated with management positions. At any rate, as part of the process of reorganizing the Minneapolis leadership structure, an assessment was made of existing personnel through the use of this construct, and personnel were assigned to new positions consistent with this assessment.

Other Reorganization Activities

Completion of the site visitations to other urban area programs, of the personnel utilization needs assessment, and development of the Generalist/Manager - Specialist/Supervisor construct provided a base for developing a draft model for structuring leadership resources. Subsequent to designing the final draft model, a series of defined input and legitimatizing activities were necessary. Several of these are listed below:

- Review and input sessions for all Special Education Leadership Staff. Several all day meetings were held at which a full review of the problem and of the working model was presented. As a result of the input generated during these sessions, the model was revised. The revision was again subjected to

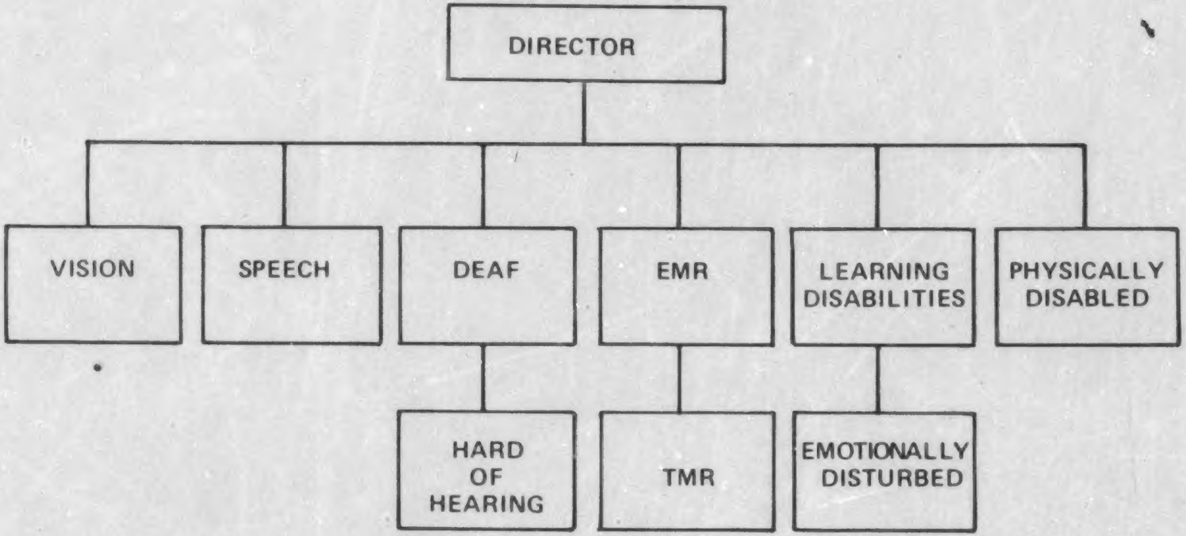
Figure 4
Working Model — Leadership Structure


SPECIAL EDUCATION PROGRAM SERVICES
Generalist-Administrator
REGULAR SCHOOL BASED PROGRAMS
REPLACEMENT OR LOW INCIDENCE PROGRAMS*
Specialist-Supervisor
Instructional Support
Consultation
Tutorial & Resource
Part-time Special Class
Diagnostic-Prescriptive Services
Itinerant Services
Vocational Programs
University Training Programs
Case Management Referral and Placement Services
Inter Level Programs
Special Station and Special Class Clusters
Day School Programs
Residential Programs
Hospital Programs
Homebound Services
External Agency Contracted Programs
Regular Teacher Accountable for Instructional Program
Specialists Accountable for Educational Program

*Includes programs and services for severely handicapped students in all categories.

Figure 5

SPECIAL EDUCATION
CATEGORICAL
ORGANIZATION CHART


DIRECTOR
VISION
SPEECH
DEAF
EMR
LEARNING DISABILITIES
PHYSICALLY DISABLED
HARD OF HEARING
TMR
EMOTIONALLY DISTURBED

full review and a refined working model was produced, and a tentative implementation schedule developed.

- Present the full model, the nature of the problem, and the reorganization goals to external reference groups for information and input, including:
    - State Department of Education
    - Parent groups
    - Professional organizations

- Present the full model and all other relevant aspects to superordinates, to other key department heads in the school district, and to school principals for information and input.

- Revise the working model based on the above review and input sessions, and present to the following groups for either consensus or approval:
    - State Department of Education (approval)
    - Minneapolis Special Education Leadership (consensus)
    - Superordinates (approval)
    - Advisory group of principals (consensus)

- Develop final detailed implementation timetable.

- Assign staff to new roles based on application of the Generalist-Specialist construct.

- Develop first year format for evaluation plan.

The Restructured Leadership System

Figure 4 represents the organizational model deployed to test the workability of the restructured (non-categorical) leadership system. The leadership system was structured primarily to (1) focus efforts and accountability in the development of strong mainstream support services and (2) to maximize the development of non-categorical special education instructional service. The special education programs and leadership responsibilities are essentially divided into those provided (1) in concert with the regular schools and classes (school based) and (2) those vended in special facilities and stations (Low Incidence Replacement Programs). In the categorical program and leadership structure (see figure 5), each categorical coordinator or supervisor is responsible, within the confines of that category, for all levels of service.

Supervisors working in "School Based" programs are specialists with competencies in a certain level of support service such as Tutorial, Resource or Diagnostic programming. These programs are primarily non-categorical and constitute approximately 65% of the Department's fiscal and human resources.

Supervisory personnel associated with programs listed on the right side (Low Incidence) of figure 4 are also technical specialists. However, these programs are primarily categorical in organization and format. Approximately 35% of the Department's resources are expended in this area.

The program area labeled "Inter-level" includes those services necessarily designed for both "school based" and "low incidence" programs. Speech and language services, vocational placement and training program services are examples of "inter-level" programs. Coordination between Administrators for the two major Department sections — School Based and Low Incidence — is necessary as students often require flexible placement from one level to another consistent with their needs. The Administrator for School-based program services is responsible for managing and directing inter-level programs and services.

The First Year Evaluation

The model for restructuring special education leadership resources which was finally approved and implemented, although the product of much concerted action and deliberation, was still theoretical in that it had never been tried or emperically tested. As a means of refining original best guesses, of keeping the operational model true to specified targets, and of providing baseline data for future outcome evaluation, a formal evaluation design and plan was developed for the first 3-5 year evaluation process. While space will not permit full discussion of design and instrumentation considerations, the following points represent principal aspects of this formal evaluation:

- The purpose was to (1) collect baseline data for longitudinal purposes and (2) establish data systems and processes necessary to ensure keeping on "track" and to modify as necessary.

- The evaluation was designed to include management, process, and product evaluation systems.

- An external evaluation team was assembled to assist with design and instrumentation matters, with data gathering, and with analysis of data.

- Instrumentation included an Opinionnaire of Special Education Services, an Attitude Scale, an open-ended topical questionnaire, a General Information Survey, Structured Interviews, and an Educational Service Options Questionnaire.

- Target groups included regular classroom teachers, elementary principals, special education leadership personnel, regular education administrators, school social workers, school psychologists, and special education teachers.

Summary

This paper has presented a brief overview of the Minneapolis special education program's leadership reorganization process and model. This reorganization was necessary to develop a leadership structure which reflected minimal use of disability categories, and which was relevant to levels of service delivery system.

Steps taken to accomplish this reorganization were, in part, visitations to other urban areas, a formal analysis of existing leadership role and function, development of a generalist-specialist construct, organization of a draft model, presentation for review and input to various internal and external groups, presentation to key groups for consensus or approval, establishment of an implementation timetable, and development of an evaluation plan.

The product developed for first year implementation is basically "levels of service" in structure and concept. Two major accountability dimensions were created, and a generalist/manager was created for each of these. These two dimensions were (1) those services and programs in support of the regular class teacher and principal (mainstream programs), and (2) those programs and services for which a specialist was accountable (replacement education programs). Other leadership personnel were assigned as specialists or supervisors to one of these two major branches.

Again, only the basic rudiments of the process and of the final product have been presented, and the other more detailed information may be obtained by writing to the authors.

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THE MADISON PLAN FOR ORGANIZING AND DELIVERING SPECIALIZED EDUCATIONAL SERVICES

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Special Education Division
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This paper deals with the Madison, Wisconsin, Public School System's attempts to reorganize its regular and special educational service delivery and control systems in response to numerous social and professional changes occurring over the past few years.

Socially, such phenomena as the weakening role of the family, the greater mobility of the population, and the inability or refusal of other institutions such as the church to deal with current social forces and trends have led the schools into more of a central role as the legitimate socializing agency in the community.

The degree to which this state of affairs is being supported and legitimized is attested to in the November, 1972, issue of *Phi Delta Kappan,* devoted entirely to the topic, "Community Education: A Social Issue". The guest editorial in that issue prepared by W. Fred Trotten reads: ". . . . we strongly recommend that school personnel and lay citizens in each community carefully examine the community education concept and appraise the values which might accrue from converting their schools (primarily single-purpose in nature) into multi-purpose human development laboratories." The entire editorial is a statement of unqualified support for expanding the scope and purpose of education to include total community involvement.

One step that the Madison schools has taken to respond to the increasing community interest and demands on the educational enterprise is to decentralize and reorganize the administrative structure to provide a more personalized approach to educational needs. The system has moved from a district-wide elementary, middle and secondary structure to four smaller, more locally responsive units. Each decentralized area provides for the total K-12 program in a much more continuous and articulated manner than previously. Each area is also supervised by an Area Director who is responsible to the Assistant Superintendent of Schools. The Area Directors comprise what is termed the *Operations* divisions which roughly correspond to the usual line organizational structure. The operations group is supplemented and complemented by the *Support* divisions which includes Specialized Educational Services (S.E.S.) (see Chart 1).

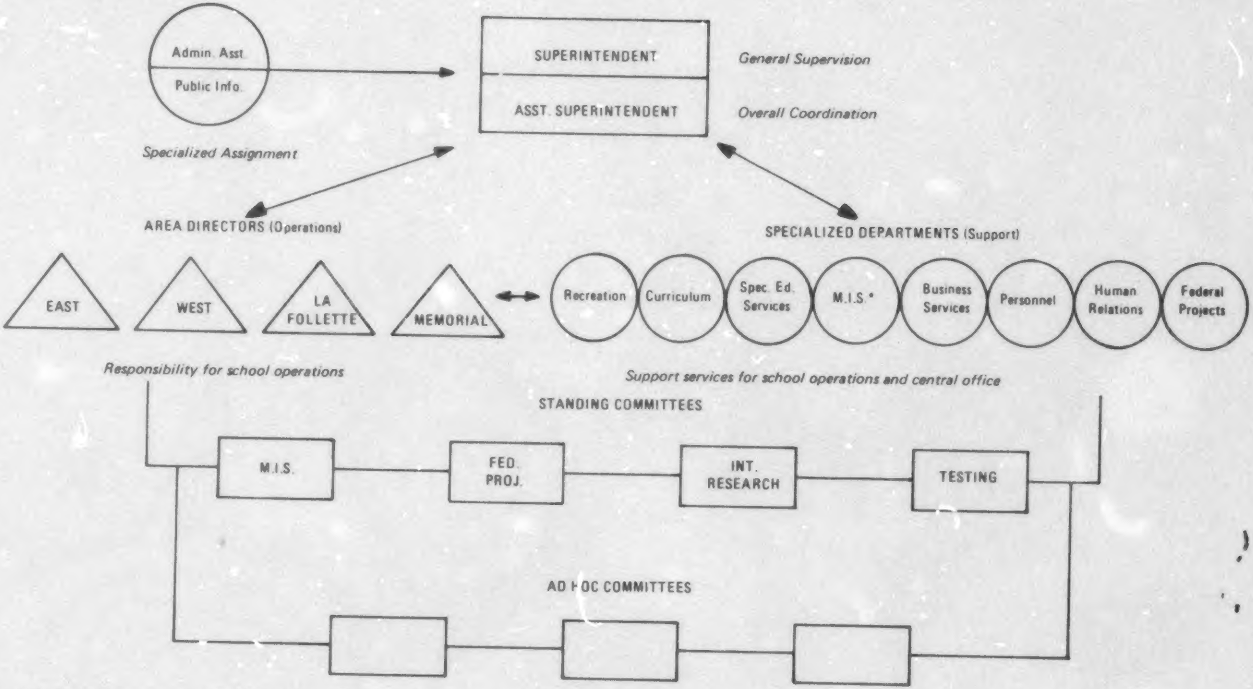
It may be seen that considerable effort has been made to depict the interaction of the various subsystems somewhat differently than the typical line-staff bureaucratic chart. This reflects significant changes in the way the top administration views the organization and leads directly into the reorganization of Specialized Educational Services and a discussion of the major factors pointing to the need for reorganization. A fuller discussion of the general area reorganization plan may be obtained from the Madison Schools upon request.

In struggling with the role of the Specialized Educational Services Division in the new decentralized structure a number of questions and issues surfaced. Some of the questions were: Should Specialized Educational Services (SES) be placed under the authority of the Area Director or should it be centralized under a Director of Specialized Services? Should the Division develop a parallel and separate system, or should it be an integral interacting part of the total system? Is the role of the Division to provide support and relief for the regular system, or is it to stimulate and influence improved instructional practice for the regular system? Should the Coordinators and Supervisors in the Division play a district-wide leadership role in the areas of their specialization, or should they play a more general managing role over all Special Services in a given decentralized area? These were some primary policy questions that led to many intense discussions during the planning phases of reorganization.

In seeking answers for these questions, much consideration was given to the professional changes occurring in the field of special education and the new organizational theory and information leading to a more appropriate fit between the organization and the tasks or functions to be performed.

Relevant Issues in the field

It seems relatively clear that the many changes occurring in special education philosophically and operationally point to a need to constantly examine the administrative practices for delivering such services in the schools. An examination of some of these issues and their possible impact should help clarify the Madison organizational plan to be described.


Admin. Asst.
Public Info.
Specialized Assignment
SUPERINTENDENT
ASST. SUPERINTENDENT
General Supervision
Overall Coordination
AREA DIRECTORS (Operations)
SPECIALIZED DEPARTMENTS (Support)
EAST
WEST
LA FOLLETTE
MEMORIAL
Recreation
Curriculum
Spec. Ed. Services
M.I.S.*
Business Services
Personnel
Human Relations
Federal Projects
Responsibility for school operations
Support services for school operations and central office
STANDING COMMITTEES
M.I.S.
FED. PROJ.
INT. RESEARCH
TESTING
AD HOC COMMITTEES

*M.I.S. – Management Information Service

Disenchantment with Segregated Classes

Dunn's 1968 article in the *Journal of Exceptional Children* has led to an all out attack on segregated classes for the mildly handicapped. There is a tremendous new interest in developing a wider range of administrative options for children with handicapping conditions – options that provide for much greater flexibility of movement and practice than was previously possible. Deno (1970) has presented such a model which provides for a range of service options designed to meet the needs of the total continuum of exceptional needs from the mild to the most severe. Such a broad model of service options make close relationships with a number of subsystems a necessity.

Decategorization of Services.

The medically determined disability categories upon which services have been traditionally based are being severely questioned as to their relevance in guiding instructional decisions. Reynolds (1972) refers to such categories as "surface" variables which may signal a possible problem but which have limited value as "decision" variables in the instructional realm. Deno (1970) summarizes the professional thought in the area:

> ". . . the introduction of categorical constructs based on presumed child defects merely adds a cluttering, unessential administrative and conceptual layer which interferes more than it aids in realizing the goal of individualized instruction for all children. . . "

Why, then, do we assign personnel as categorical specialists? Perhaps a professional who is well trained in developmental learning, curriculum and instructional technology can act as a general supervisor of programs for the handicapped. Perhaps there is no need for categorically designated specialists such as "Supervisor of Programs for the Mentally Retarded." Couldn't a broadly trained special educator develop programs for all or most categorical areas? Reorganization requires a studied reaction to these questions.

Increased Emphasis on Ecological or Systems Models of Intervention

The "disability" or "defect" approach to educational intervention that places the emphasis upon the child as the cause of the problem is meeting increased resistance. The approach that instructional problems are complex interactions between the child, his teacher, peers, parents, curriculum tasks, and a host of other "system" factors is being increasingly accepted by professional educators. Treatment then must consist of interventions, not only with the child but with any or all of the interacting elements of his environment which are judged to be contributory to the presenting problem. Lilly (1970) suggests moving completely away from defining exceptional children toward a concept of defining "exceptional situations within the school".

Such a conceptualization of educational intervention demands a closer, more credible relationship with the "total" educational system than ever. Parallel and separate administrative structures will not allow the level of interaction with regular teachers and staff that can lead to the appropriate changes in the instructional situations encountered.

The Emergence of the Belief that Special Education Must Play a Significant Role in Improving Instruction for All Children. Deno (1970) and Brown (1972) are among a few of the leading special educators who see the possibility of special education acting as a powerful agent in influencing and assisting the modal or general system to improve its instructional skills to accommodate for a wider range of individual differences. Deno (1970) speaks of the special education system as being in a unique position to serve as developmental capital in an overall effort to upgrade the effectiveness of the total public education effort. Brown (1972) speaks of the role special education can play as the "evaluator" of the effectiveness of mainstream educational endeavor.

Again, such thinking leads to the need for closer interaction with the "regular'. system in positive and constructive fashion. In order to achieve a position of influence in the "regular" system, the Specialized Services Division has to prove its willingness and capabilities to cooperate productively.

In addition to the professional special educational considerations described, a number of other considerations were studies in planning the reorganized system of control and service delivery.

First, there is considerable question about the relevance of the line-staff hierarchial organizational structure for today's highly complex, open, social service systems. In analyzing the approved organizational chart it was clear that the informal structure of the system was quite different from the formal approved structure signifying that, indeed, the appropriateness of the structure was suspect.

Further analysis revealed that the organization had increased the rate of change tremendously over the last few years with consequent variation in functions performed. No longer can schools educate for perpetuity. The knowledge explosion and the speed of change as evidenced in such books as *Future Shock* have led to the need for very different organizational structures. More short term ad hoc teams are being used to accomplish very specific functions or tasks. Conceptions of authority and control are changing. It is very difficult for one administrator to have enough knowledge to autocratically direct and control all of the functions (constantly changing) performed in his division or department. Consequently, authority and responsibility need to be constantly delegated and re-delegated in a continuous fashion. The question is "Who's in charge for what, when, and for how long?"

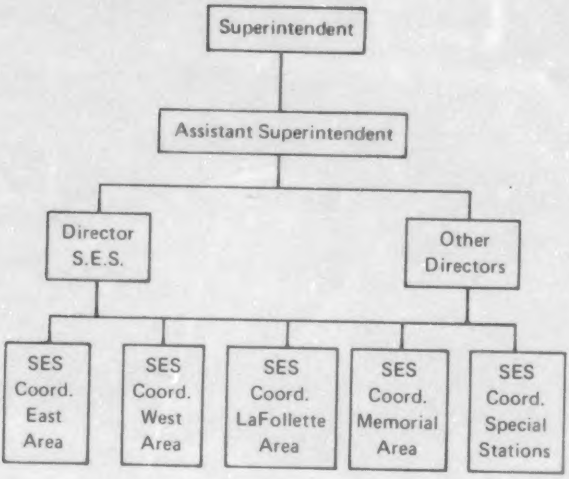
It seemed important in the reorganization to provide a system by which these revelations could be taken into account – one in which authority and responsibility could be negotiated based on the job to be done and the skills needed to do it.

Second, for negotiations to occur between sub-systems in good faith, certain protections or guarantees needed to be provided each sub-system or division. The Division of Specialized Educational Services was guaranteed a level of autonomy and functional sovereignty to protect it from co-option by another division. No division should be placed in jeopardy for expressing its professional bias or ideas openly. To provide such protection the Division of Specialized Educational Services was guaranteed control of special education personnel allocations and budget. No allocation of special staff or other resources of the Division could be made without the agreement of the Director. This assured that each "operations" director would seriously negotiate with the support directors. With these protections built in, negotiation could occur openly and earnestly without fear of intimidation on the part of the support divisions.

With these considerations in mind, the following organizational structure and Service Delivery System were set up.

Administrative Organizational Structure

The six Specialized Educational Services Administrative Staff were assigned in the following manner:


Superintendent
Assistant Superintendent
Director S.E.S.
Other Directors
SES Coord. East Area
SES Coord. West Area
SES Coord. LaFollette Area
SES Coord. Memorial Area
SES Coord. Special Stations

The Director of S.E.S. occupies a position of influence of the same order as all other Directors including the four Operations Directors and is directly responsible for the five S.E.S. Coordinators even though four of them have been assigned to decentralized areas.

This geographic assignment places the Coordinators in the primary role of general managers responsible for managing a broad range of professional personnel and programs and removes them from the typical categorical disability structure. While the role emphasizes the generalized management function, provisions are still made for district-wide consultation between areas where the specialist skills of a Coordinator may be needed. One assumption unlerlying the move to such a structure reflects the belief that most programs can be managed by a generalist, particularly at the mild levels of severity, which account for the largest proportion of handicapped children. The perceived higher degree of specialization required by the more severely handicapped resulted in assigning one Coordinator the responsibility for special stations and certain low incidence programs such as trainable mentally retarded, hospital programs and orthopedically handicapped. These programs have highly specialized needs that seem to require full time involvement of a trained specialist.

A major objective of the Specialized Educational Services Division is to support and influence the total educational system seen as *one* system, not several parallel systems with little interaction between each. This structure makes it easier to communicate with and to support the total system by providing a single person as the responsible agent for specialized service programs in a given area. Therefore, an Area Director or his principals have to deal with only one person in negotiating and planning for mutual programs. This produces much less confusion as to whom one should contact for what and also makes it much less likely that the "buck" will be passed from one person to another. It is the responsibility of the area Coordinator to call in specialized consultation not possessed by him or persons in his area when needed. The process by which this is possible is built into the area plan. While each Coordinator is administratively responsible for only one attendance area, he is available to provide city-wide consultation in his own area of capability when requested by one of his colleagues or as built into his special ad hoc responsibilities.

Additionally, this structure encourages the development of comprehensive services in each geographic area, thereby reducing busing needs and the neighborhood disruption caused by moving children away from their home area for special programming.

A number of factors pose complicating problems for this type structure, but only through attempting the reorganization with attendant evaluation procedures will its efficacy be determined. Some of these factors are:

1. The State Department is organized on a categorical basis, making communications with that agency more difficult.

2. The traditions in the field create expectations in other agencies which can cause confusion in communication.

3. Reporting to the state must be categorical so some duplication of effort is likely.

4. Teachers, psychologists and other professionals were trained in categorical programs, making the change confusing.

5. Parents have been steeped in the categorical disability model.

6. Certification of professional personnel is based on categories.

7. The development of new, more functional systems of grouping is still in embryonic stages.

There are more that could be presented, but the point should be sufficiently made that such a reorganization is not without risks.

Beyond the basic organizational plan outlined above, there was still the need for developing a system of interaction with other subsystems that would alleviate many line-staff problems and that would provide for more flexibility in service delivery.

Special education departments in school systems represent a unique mixture of line and staff relationships. On the one hand, SES functions as a support system to the regular system, and on the other hand it carries full responsibility for total programming in special stations or facilities. This is often further complicated by the strict guidelines furnished by the State Department of Public Instruction which can limit the flexibility of interaction with the regular system.

Questions related to control over such functions as staff assignment and supervision, program development and operation, pupil placement and transfer, budget, physical development of programs, inservice training schedules are among the major sources of conflict between the "Operations" divisions and the S.E.S. Division. The question of "who has authority?" is a constant stumbling block to easy cooperative interactions.

As suggested earlier, a system needed to be developed that defined authority more in terms of "who has authority for what, when and for how long?" What resulted was a system of negotiated contracting that was based on functions and tasks, not on divisional role descriptions. At this point we are referring to the process as Task Contingent Management (T.C.M.).

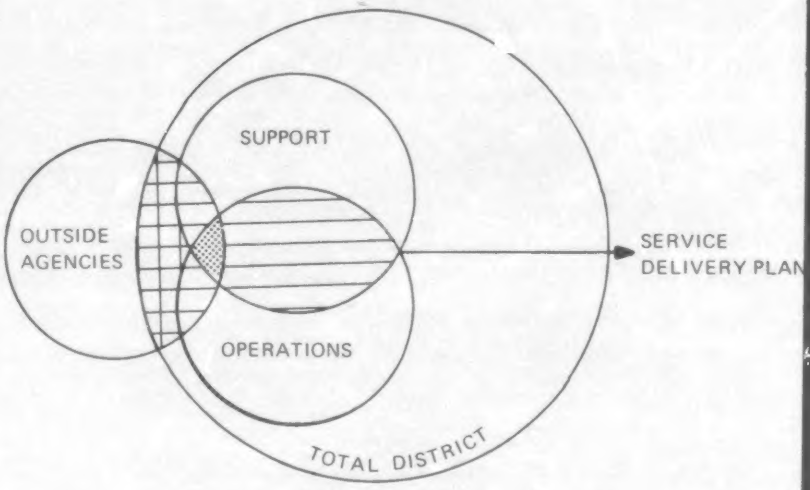
Task Contingent Management

Essentially, Task Contingent Management requires divisional heads to sit across the table and negotiate a mutually agreeable "Service Delivery Plan" which specifies the services to be delivered or the tasks to be completed, how, when and where such services are performed, who is responsible for what processes and how the plan is to be evaluated. Once completed, the plan or agreement carries the joint authority of both divisions and can only be modified by mutual agreement.

This kind of process is not limited to interactions between "Support" and "Operations" Divisions, but, applies as well to lateral agreements between Support Divisions or between a Support Division and any other agency or subsystem. Figure I depicts the interactional possibilites between subsystems that might result in a "Service Delivery Plan" or contract.

The negotiated contracts may be comprehensive or restricted, long term or short term, service oriented or task oriented, involve required, continuous functions, or new, creative functions depending on the needs and priorities that have been determined and agreed upon.

Figure I
Visual Portrayal of Interrelationship Between Operations and Support Divisions



TOTAL DISTRICT – Supt. Office, Board policies, state laws, etc.
SUPPORT DIVISIONS – Curriculum, Special Education, etc.
OPERATIONS DIVISIONS – Area Director, Principals
OUTSIDE AGENCIES – D.P.I., Community, USOE, state regulation

Prior to negotiations, for example, between a decentralized area and S.E.S., certain preliminary assessments and determinations must be made. The Area Director must work with the principals, teachers, other staff, parents, and community to determine needs and priorities which are subsequently brought to negotiation. The S.E.S. Director similarly works with his staff to inventory skills, competencies, services, resources as well as constraints to service, and these are brought to the negotiation table.

With as much objective data available as possible and with clear understandings of priorities and purposes, dialogue between the two Divisions begins. From this dialogue ultimately emerges a plan or contract determined mutually.

The form or format of the contract has been adapted from the individual Administrative Management by Objective Contract format utilized by the Madison Public Schools. The adaptation is presented only as one suggested approach, and the other adaptations or alternatives may be equally viable.

Step I – Discussion of Each Step In The Task Contingent Management Contract

I. **A precise description of the project, process, skill, etc. to be evaluated in this agreement. This should include (to the degree that is possible at the initial conference):**

   A. **Intent of what is to be done, and**
   B. **Outcomes to be expected and**
   C. **Procedures to be used.**
   D. **Specification of mutual responsibilities.**

1. Is item really a priority item or is it really only something easy to agree on?

2. Are the outcomes something that can be measured either objectively by some instrument or assessed subjectively by one of the parties? Subjective opinion is a valid assessment device, but it should be understood and agreed by the parties involved when subjective opinion will serve as the basis of evaluation. (See also No. 2.)

3. Is this a short term or long term objective? When will it terminate?

4. Can it/should it be classified as regular, problem solving, or

innovative in nature? It need not necessarily be so classified but such classification may be helpful to both parties regarding the **context** of the agreement. For example, one party may see the agreement as dealing with a real innovative idea while the other one sees it as a regular duty.

5. Has this item been reached by consensus or was it prescribed or insisted upon by one of the parties? Consensus should dominate except in unusual cases.

II. A description of who will do the monitoring and evaluation of No. 1, i.e., one or several people. A description of exactly how this person/persons will monitor/evaluate No. 1 (visitations, conferences, reports, other materials, etc.) and to the degree possible at the initial conference and agreed to by the individuals involved what constitutes good, average, poor progress.

1. Does the individual/individuals have the competence to do the monitoring/evaluating? If not, will a third party be brought into the agreement?

2. Does the individual/individuals have the time to do the things agreed to in the evaluation/monitoring section? If any of the monitoring/evaluating procedures were left out (for whatever reason) would both parties still believe that a valid evaluation had taken place? What procedures on the part of either party **could not be left out without invalidating the contract?**

3. (See No. 2 in 1 above) Where subjective assessment is agreed to, what constitutes good, average or poor progress in the mind of the parties? This should be understood as well as possible between the parties involved.

4. In some cases (perhaps many) one may only be able to evaluate the **actions** involved rather than the actual **outcome** where actual outcome is very difficult to "get hold of." The difference between **actions** and **outcome** should be understood.

III. A description of any materials, resources, other aids not readily available but needed to properly execute this agreement and who/how will see that this provided.

1. If materials/resources/aids are necessary to the completion of the contract, who will get them and **by what date?**

2. Are such materials, etc., **absolutely critical** to the contract or are there alternatives if for some reason it is subsequently determined that the agreed materials, etc., cannot be supplied? Alternatives and dates should be so noted.

3. At what point in time would the contract become invalid if the materials, etc., were not made available?

IV. How often will the evaluator/evaluatee meet to officially review progress? (This meeting not to be confused with regular meetings held in the process of evaluating. "Official Review" would include summary copies of review session to be typed up for both parties and any other agreed upon interested parties.) Once a quarter is recommended.

1. Specific dates are a **must** for **official review sessions.** A specific day is best with "in the week of . . . " being the most latitude allowed. Official review sessions are **very important.**

2. A typed copy of the review session should be made available to both parties. While it should not be so detailed as to be burdensome, it should be a fair recording of what had taken place **quantitatively** and **qualitatively** to date. It is particularly important that understanding and agreement be reached at the time of the **official review** session and that the understanding/agreement be fairly and accurately translated.

3. The importance and specific times of the **official review** sessions do not imply that any number of unofficial review sessions cannot be held. No record of unofficial review sessions needs to be kept.

4. In the **official review session** only the items agreed to in the contract should be discussed and recorded. Additions or modifications to the contract can be included, but topics not related should not be included. When the official review session has been completed to the satisfaction of both parties, then other topics can be opened up. Don't "short change" the review session with a lot of other topics.

V. Any other information not included in No. I through IV but felt to be relevant to the agreement.

1. This is a "catchall" item, but it should be carefully considered. Anything that is missing in I-IV should be recorded here.

Task Contingent Contracting may occur a number of different ways on a number of levels. Divisions may develop comprehensive service delivery plans with one another, but it is also likely that individuals or groups of individuals will negotiate task contingent contracts with other negotiating units and with their superiors. In this way, Task Contingent Management becomes both an organizational planning mechanism as well as a staff or unit evaluation system. The flexibility of the system is tremendous, but it always involved accountability and evaluation.

The major problems with such a system relate to the time needed to develop and monitor contracts, the need for flexible managers and change oriented staff, and the increased strain and need for communication between Divisions.

Therefore, the degree to which such a system can be implemented in another system is dependent on local conditions. Great care must be taken prior to initiation of Task Contingent Contracting involving specifying organizational goals, providing extended inservice and dialogue and a thorough analysis of system components to determine the degree or organizational fit to Task Contingent Management.

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part VII
reaction to presentations

SUMMARY AND REACTIONS

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Bureau of Education for the Handicapped
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My role is twofold. One is to tell you what you heard over these last few days, and the other is to fill up enough space so that you can complete your evaluation before you leave.

As do you, I respond to content with all that I bring to the situation. It is much like reading a book; the words do not mean the same thing to each of us because we bring different perspectives to these words. Therefore, some of what I am going to say will be a bit idiosyncratic while some of it will reflect observations obvious to all. The associations I have made to the conference content are as follows.

John Davis and Dick Johnson, our Minneapolis school system leaders, set the boundaries for the conference in their welcoming speeches with comments which ranged widely over the issues and, in fact, extended the boundaries of concern to the 1954 Brown v Board of Education civil rights decision. They made it clear from the onset that we were not talking about narrow, unique circumstances that relate only to education of handicapped children. They represented the broad view of what litigation and the current legislation are going to mean for us, what it has meant in the recent past, will mean rather immediately for many, and in the fairly near future for others. It was a sobering introduction. Those were not the traditional welcomes at all but an extremely appropriate introduction to the problem. Dr. Davis and Dr. Johnson set the stage for this institute to consider seriously, in as strong and probing style as possible, the ramifications of the legislative and legal decisions that have been coming upon us.

Bob Herman, my good friend and colleague, Deputy Associate Commissioner in the Bureau of Education for the Handicapped, touched on several things that are rather critical. As would any bureaucrat, he talked about finances. He judged that the financial situation will improve. Subsequently, Dr. Mueller commented that the federal bureaucratic view of finances may be more sanguine than some others would judge. On that matter my heart tells me to accept Mr. Herman's judgment, but my head tells me that Van Mueller's judgment is more realistic. It may be some time before there is any real increase in federal financial contributions to the education of handicapped children. Obviously, that is a guess which is much more pessimistic than the prediction obtained from Mr. Herman. There are several reasons for the pessimism.

It seems quite obvious in the way revenue sharing is organized that it will not include much, if anything, for education. It also seems clear from the kinds of things that are reported in the media that we are not in for a tremendous increase in resources for health, education and welfare; and if one adds those observations together, it becomes difficult to believe that there will be much federal assistance to education by comparison with the recent past or, more important, with the need. A third factor is that the current estimates show something like two billion dollars a year are spent on education of handicapped children in this country. The federal government, utilizing some of the tax money that all of us pay, contributes to education of the handicapped something like two hundred million dollars. Now that is truly a drop in a very large bucket. If your figures work out as do mine, that is something like 1 percent of the total. Even with the Williams' bill having been introduced and calling for the federal government to pay 75 percent of the excess costs of educating handicapped children, I doubt very much that in this climate of reductions in federal contributions to matters of health, education and welfare, we will see any positive action of that type in the next few years. Even if the Congress were to pass such legislation, the probability is quite low that the administration would expend any monies that might be appropriated for such a purpose.

That leads me to Fred Weintraub's implication that there is a tremendous amount of work of a political-educational nature that those of us concerned with educating handicapped children must do if we are going to make progress. As Dr. Weintraub pointed out, mandatory legislation has not made a great difference in implementation of education for handicapped children in many states with such legislation. If the change has been limited, then mandatory legislation is not a sufficient answer. It is a beginning, an important beginning, but that is all.

Financing, then, is a serious question. The federal contribution is likely to stay limited as will local contributions unless educators increasingly become politically active among legislators and power brokers where the decisions about money are made. Ordinarily, Mr. Herman would have said some things about cost effectiveness as well, which is relevant as we move into the next point.

The second point to which I responded very positively, but with hurt in my heart, is the abysmal record of educating handicapped children in this country. If you recall some of the figures that Bob Herman mentioned, in the 1971-72 school year there were seven states where less than 20 percent of the known handicapped children were provided educational service and one state where only 10 percent were being educated. In the most highly productive states approximately 70 percent of the handicapped children are being educated. Those are estimates based on state compilations of local district figures; and, if anything, they are generous estimates. Thus, by the criterion of simply paying attention to the educational needs of handicapped children, we are not doing very well. But then, if one were to be foolish enough to add a criterion of quality educational programs, of effective programs, then I think our percentages would further drop rather drastically.

What is clear from this conference is that we have not done well in light of the tasks that need to be done. We have a long way to go, and it may help to see the courts and legislators as great and good friends. They are providing us with an excellent opportunity to begin seriously to do that which we know we should have been doing for years.

Now to a third item which is related to Fred Weintraub's comments about mandatory legislation. The need for positive political-educational activity has been mentioned. There are a set of items that revolve around three issues: whether all handicapped children can be educated, and, if so, how does one define education? Who is going to be responsible for that education; how much of it should the schools do or not do? Then, according to whatever responsibilities are accepted, how will that education be conducted?

I would like to comment on the **whether** issue. The infidel is rampant among us; there are very large numbers of special educators who are unbelievers. Perhaps the reason for that is because not all of us have had the opportunity to observe firsthand the marvelous and very substantial actions that are being accomplished in the best of programs that exist in this country. Having seen a number of such programs, it is easy for me to believe that it is only a small proportion of the most profoundly handicapped children who cannot be moved forward quite substantially by sharply focused educational programs. In many places across the country first rate programs are making noticeable progress with severely handicapped children. The "who" is something you will have to thrash around. As for "how", this conference was not dedicated to producing answers; but there are a great many answers that do exist. There are positive, constructive actions and avenues that are available if one wishes to learn about them and to apply them.

Maynard Reynolds established a good many points bearing on the above items. The context he set was important while the dream he ended with was truly a dream. A relatively more pessimistic view would argue that we have neither the talent, nor the energy, nor the will to make happen the picture that Dr. Reynolds constructed. I hope that he is correct, as he usually is, and that I'm wrong.

That notwithstanding, the conference portrayed clearly a set of marvelous opportunities for educators of the handicapped. I want to quickly suggest the strengths we have in taking advantage of those opportunities.

We have, in a conference of this sort and in the activity that it represents, the beginnings of recognition of the problem. We are having to consider where we are in education of handicapped children, the progress that has been made and that which remains to be accomplished. Recognition of the problem is the first step to solution.

The courts are forcing change. You have heard dire predictions about the effect of the legal decisions, but looking back to Brown v. Board of Education 18 years ago, noting what has happened in desegregation, I suspect that the predictions will not come true. The courts, lawyers, and judges have helped us magnificently, but they have helped us only in setting the stage, encouraging us to do the things that we have known for years we must do. We have always said, "The resources are not available; there is not enough money," and so on. The courts are saying, "Educate the handicapped."

The courts have set the stage. They also are establishing contingencies for us and thereby are providing an excellent opportunity for us as professional educators. Legal contingencies wipe out all kinds of excuses that educators have used to shilly-shally about the task instead of getting on with it. I think they have helped us magnificently.

If one steps back and analyzes our circumstances, thinking back to the situation of 20 years ago, it should be clear that there has never been the number and quality of personnel that now exist to educate the handicapped. That is a substantial plus. There never has been as much money in education of handicapped children as there is now. So we have more and better personnel, and we have more money. We know more. There are many things that are now known about educating handicapped children that were not known 20 years ago. There are people who have that knowledge stored away, and they have the skills for making things happen. In addition to those resources there are more and better instructional materials. So, no matter how you add it up, the resources are extraordinary compared to what they once were. Finally, even though I said earlier there are a great number of unbelievers among educators, the public attitude is clearly far more supportive than even a decade ago. One cannot make that set of comparisons and be other than optimistic about the future.

We have been educated in this conference about a number of important political-social-educational issues. It may be well to leave recognizing that nothing is solved; but on the other hand that the problems are not so large that we cannot make progress. The task is indeed immense, but the resources need only be tapped adequately while we are receiving the help of the courts and the legislatures. I wish you well in your efforts to make the progress that is within our reach if not our grasp.

appendix a
summary-
small group
discussions
1971 conference

SUMMARY – SMALL GROUP DISCUSSIONS

1971 CONFERENCE

After the formal presentations were concluded on each day of the conference, participants met in smaller groups to discuss issues pertinent to the general topic of the conference issues which had been raised by individual speakers and those which stemmed from Minneapolis' and other programs' attempts to implement noncategorical special education services.

The following material was taken from the tape recordings of each of those discussions and is organized according to broad topical areas. Within each area brief comments are given which attempt to define the problem, to estimate its status or importance, and to offer suggestions for its resolution. These excerpts should not be interpreted as consensus of the groups but rather suggest the tenor and variety of comments offered by discussants.

Labeling Children

Participants expressed concern about the adverse psychological effects on children resulting from their identification as mentally retarded and subsequent placement in a self-contained class. One discussant questioned whether "borderline" children profited sufficiently by academic gains in special classes to offset the psychological harm done by labeling. Another responded that he would not like to be part of a special class if he were mentally retarded; but that the alternative, sitting in a regular class and falling further and further behind, was equally damaging. The problem, as he saw it, was not to select and support one of two poor alternative placements but to determine what could be done for chidren who "don't learn very well." A third person questioned whether the stigma remained after educable retarded children became adults, citing a 35 year follow-up of special class students which indicated that most were not seen as exceptional in any way as adults. A fourth indicated that, despite any stigma, special class children in his district did better in arithmetic than those in regular classes.

Children are especially vulnerable to labeling if they live in the inner city. One person cited his experience in a large city where half the black children called "mentally retarded" are out of the special program and back in regular classes in a year and a half. He called for "better predictive devices so that we know that this is one of those kids who looks retarded, but isn't."

Other discussants looked at the effects of categorical labels on school personnel who teach these children. One stated, "If the teacher says, 'All these kids are mentally retarded, so I'm going to treat them all alike,' then I'm concerned." The proposal to label services instead of children was seen as positive: "The best marking on an MR room is 'Miss Brown's room.' Some classrooms actually say MR3 or MR2. If the kid found his way there, somebody else ought to be able to find it without it being marked MR something or other. When we started moving the special education class in the high school from room to room like any other class, there were differences in people's attitudes." Another participant saw labeling as special education's version of an orientation toward failure pervading all of education and asserted that stigmatization of handicapped children would continue until all schools accept each child "for his own worth rather than on the basis of his intelligence, his reading, and so forth."

Another aspect of the labeling problem seen by participants was the designation of state and federal aids by categories of handicap. Participants asserted that "we could not have gotten all those services for kids without all the special education markings on them" and that, even though "we would like to see kids get what they got in special education without having it stamped all over their T-shirts, we can't eliminate the labels on funding matters." The same person went on to suggest that the categories be revised and based on presenting behaviors. "You could work regardless of the handicapping condition if the handicap were in the milder range. 'Specific language disability' could mean the hard of hearing child, the mildly brain-damaged youngster, and the mentally retarded. If he has a language problem, it doesn't make any difference what its basis is if that program can help him." Another person noted that his state had dropped the category "specific learning disability" in favor of "educationally handicapped," and that, in his school system, the latter term had also been dropped in response to parental and local legislative pressure. "Rather than say 'educationally handicapped', we have resource teachers for this area. Everybody accepts resource teachers because they know what the resource teacher does. We would use the term "consulting teachers" and use basically the same job description but change the terminology if that would get the program going."

Other participants also felt that pressure from parents to eliminate special classes and to decategorize programs would cease and parents would increasily resort to legal action when dissatisfied with school programming.

Who Can Be Served In Regular Classes

Participants felt that many learning disabled, educable retarded, hard of hearing, or visually impaired children can be served in regular classes, but that a number of problems are encountered in this process.

Perhaps the most frequently mentioned of these is the ability of the regular class teacher to accommodate exceptional children. For example, the learning problems of "the 70 I.Q. child are usually compounded by economic and social disadvantages." In addition, the well-established presence of the special classes may actually have reduced regular teachers' competence in handling individual differences. One discussant complained that "elementary teachers find no difficulty whatsoever in working with children who are two or more standard deviations above the mean, but give them a child one standard deviation below the mean and they want to put him in a special room. They're doing less for the child at the other end than they are for this one, but aren't complaining about it because he's teaching himself."

Teachers' attitudes were said to vary with the nature of the child's problem. "If he is hard of hearing or blind, many a teacher thinks he belongs in **her** room; but when it comes to children with behavior problems, that's different. Teachers are less able to cope with disturbing behavior."

One obvious remedy for this situation is better training. One person suggested **Introduction to Exceptional Children** as mandatory course work for elementary teachers. Most of the program models mentioned by discussants as exemplary are heavily inservice oriented and attempt to deal both with competency areas and with attitudes toward exceptional children.

Some special education teachers were also criticized for inflexible attitudes, seeing children as "too low for my EMR room." However, it was pointed out that following the **Pennsylvania Association for Retarded Children vs. Commonwealth of Pennsylvania** decision, teachers of educable classes have been told to expect to teach trainable children next fall, and the educable children will be in regular classes. Conversely, other special educators, such as teachers of hard of hearing children, were said to have difficulty letting children go once they had started providing service.

Regular class placement was not seen as appropriate for all children nor is it special education's only goal. One participant reminded others of "trainable children, who are distinctly different, and whom we're still trying to get into the community." Another stated that "if special education is going to service 30 to 45 percent of the population, it proliferates its efforts so that resources for the severely handicapped are not available. Some particular programs at least are suspect when we ask whether a given youngster could have succeeded in the regular classroom. Obviously, there are some youngsters who need special programming and self-contained environments."

Implementation of Decategorized and Regular Class-Based Programs

A number of participants noted that some of the program models suggested by the major speakers – such as itinerant, diagnostic teams – are not new. Ten years ago some school districts had systems in which "we would take a child out of the class, hold a parent conference, have the psychologist do something to expedite his program, and the child remained in the regular room." One participant cited pitfalls to a mobile diagnostic team: in the past, such teams had frequently been University initiated, and their staff might be available as little as once a month, making it unlikely that teachers would implement their suggestions.

Resource rooms also are not new but, when properly utilized, can be very effective. As an option for the child for whom maintenance in the regular class is being attempted, an available resource room can increase the classroom teacher's willingness to teach exceptional children. In addition to providing direct instruction at critical times and reassurance to the teacher, participants cited the resource teacher's potential assistance to inservice classroom teachers, principals, and others on program modifications and the needs of the exceptional child.

One discussant described his experience with sending specialized personnel – "teacher facilitators" – into regular primary classrooms. He found that teacher personality influenced acceptance of exceptional children, and that it was necessary to determine teachers' reactions to co-teaching before sending the diagnosticians into their classrooms.

Other participants reported on reduced class size as a method of serving behavior problem children. One cited its favorable effects in improving teacher morale and willingness to individualize instruction; another reported on pupil success, as follows: "We put three disturbed kids in a regular fifth grade and cut the enrollment to eighteen, and for that experimental year we paid handicapped aids on that teacher. We found, just by the situational approach, that by putting those three in with fifteen normal shock absorbers, we could make it. That teacher had some special training, we paid special aids, and it's beautiful. The problem was they wanted to expand to nine of those classes the second year and ran out of classroom space."

Reflecting the special education administrative composition of the group, participants' comments about the general education/special education interface dealt to a large extent with the relationship between the special education administrator and the building principal.

Program decisions cannot be made by either the director of special education or the principal without the other's support. Participants cited the necessity of securing the principal's cooperation in locating a new program or new model of service because his day-to-day authority over the building and his influence on teacher attitudes can determine whether a program succeeds or fails. This not only means including him in planning but in being an available resource when he has problems. As one discussant put it, "When he calls you, you don't say 'I'll put that on my calendar and I will be out there in three weeks' and meanwhile the kid has just gone three inches through the wall. You give that principal the idea that he's got help. You're with him, and he's with you."

Although participants felt the need for the special education administrator to have decision-making authority, the result can too easily be that the principal decides that exceptional children are not his problems any more, thus perpetuating the dual educational system which special education would like to dismantle. One participant related a conversation with his superintendent regarding the school psychologist: "He said, 'Now, that's your psychologist'; and I said, 'No, that's our psychologist'. It has to be that way or it's lost." Another suggested that "If special education were really a part of general education – specialists in general education – then it would have great influence on what happens in programs without necessarily having to own them."

Accountability and Evaluation

Comments in this general area included pupil and program evaluation and taxpayer concern for rising education costs but centered on teacher performance evaluation and accountability of training programs for competence of their graduates.

Regarding pupil and program evaluation, some participants became concerned about what could be measured and the importance of some intangibles which cannot be: "This goes back to the worth of the child, even though he can't pass enough items to get into somebody's first grade." Others noted the increasing political necessity of good evaluation data and relevant research findings to support any proposals for program change. Justification for program costs, however, was seen as coming from comparison of education expenditures with those of other goods and services, rather than from the merits of the programs themselves. Taxpayers do not realize what low expenditures per instructional hour per child are made by most public schools.

In order to implement program accountability, teachers must learn to work toward explicit objectives. One person declared, "I wouldn't let a teacher working for me ever take a walk with a group of children. She could take a group of children outside to do something if that was the best time and place to do it; but at any time she would be able to say exactly what goals she was trying to reach by that activity." Objective setting becomes a basis for assessing that teacher's performance: "When evaluating teachers, don't start out by telling the teacher she's wrong, but by asking her what she was trying to do."

Establishing performance criteria for children appears to be a means for determining teacher effectiveness. Despite the opposition of teachers' unions to performance contracting and the specific objection that teachers do not control a number of critical learning variables, a number of persons wanted to assess teacher performance objectively to determine job tenure and salary increments.

Peer evaluation was suggested as an alternative method of assessing teacher performance. "One district handled teacher evaluation by a committee with one principal elected by the principal's group and one or more teachers elected as representatives from each building. Neither teachers nor principals ever evaluated anyone from their own building; and the assumption was made that, if a school did the best job of electing its representatives, the other schools would do likewise. The team would sit for one full day in a classroom. If there was any disagreement, team members were permitted to observe for another day – not together, but individually."

According to training program representatives, many colleges and universities are being pressured by state agencies to certify that their graduates have attained a specified set of competencies. One suggested that demands for accountability in teacher preparation from teachers' unions rather than from other agencies would be more influential. Responsibility of colleges for insuring competent graduates begins with admittance of candidates to the program, and one participant objectively stated reasons for refusing a prospective trainee. Content of the training program – especially through inclusion of a wide variety of field experiences – should correspond to how school districts want to use personnel. Stationing university faculty in public school settings was seen as an excellent way to bring this about. Experience in a wide variety of actual settings was also seen as a way for students to know what to expect on the job and, if necessary, to withdraw voluntarily from the program.

Training program responsibility should not end with a student's graduation according to some participants. The college should follow its graduates and solicit information from employer schools on subsequent performance, or the districts might begin by employing these people as teacher aides. The dichotomy between preservice as the responsibility of the university and inservice as the responsibility of the school should be abandoned.

Conclusion

The discussion groups were not given a specific assignment, nor was it assumed that formal position statements or some other product would necessarily emerge from these sessions although many of the above statements were enthusiastically endorsed by all members of groups. The editors feel that these excerpts are valuable as indicators of the concerns of a select group of public school and university based special educators. It should be apparent that many leading schools are attempting to institute non-categorical programs having closer ties to general education and are encountering similar successes and similar problems in so doing.

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Dr. Thomas Marro, Assistant Professor, Pennsylvania State University

Dr. Van Mueller, Associate Professor and Chairman, Division of Educational Administration, University of Minnesota

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appendix b

summary- small group discussions 1972 conference

SUMMARY – SMALL GROUP DISCUSSIONS

1972 CONFERENCE

Interaction group discussions were held following the presentations of the conference's first day. The responses to the issues and implications of recent court cases involving special education gave rise to the ideas summarized by the section chairmen: Dr. Jerry Chaffin, Mr. John Groos, and Dr Van Mueller.

The following comments are each speaker's assessment of the comments and ideas expressed in his particular section.

Dr. Van Mueller:

The three group leaders have shared notes on what happened in all nine of those discussion sessions yesterday. Rather than repeat much of the common threads that we found in all of the discussions, we have taken a topical approach to getting some of these issues back out in front of you. The area that I'll cover will deal with some implications for the larger environment in which special education programs and services are offered. It seemed to me, listening to Jerry Chaffin and to John Groos talk about what happened in their groups and the groups I sat in on, and of course from the group leaders, that we need to be very careful in stating some assumptions about the environment in which the new changes brought about in large part by the litigation are going to take place. I want to just highlight a couple of these that I think we ought to pay attention to.

The basic assumption is that this change in special education is not going to take place in a vacuum. There are several things happening in education that attempt to meet some of the needs of minorities and to meet other kinds of needs that are competing for the same resources. We ought to be aware of this. We ought to be aware that according to some of the public opinion polls nationwide and within various states, that a large segment of the public feel that education is not meeting the needs of very many of our kids. General education is in some trouble as far as achieving some larger measure of public confidence.

Secondly, we should be aware that this new line of litigation in special education is taking place at a time when many schools and many state legislatures are just beginning to find ways to react to eliminate a whole series of educational and fiscal disparities that have been identified through Serrano type litigation and Rodriguez and others. The removal of any kind of fiscal and educational disparities is not solely a problem facing special education.

I think as we look at and concentrate on one segment of litigation as we did yesterday and will be again today, we ought to keep in mind that this is taking place as a part of a larger educational and political environment. For example, some of you, I have noticed in the *Minneapolis Tribune* this morning, have made some comments about some of the financial dilemmas that are going to face the legislature of this state in January. Mentioned yesterday and discussed in some of the groups were ways in which things like revenue sharing monies might be used to provide some of the resources necessary to expand and extend special education programs to meet some of the needs pointed out by the courts. In Minnesota, and I suspect in many other states, federal revenue sharing money, that part of it that is available to the state and in effect could be used for educational purposes, is a very small amount of money. I don't have nearly the optimism on the role of the federal government that I thought Mr. Herman expressed yesterday. That federal revenue sharing money in Minnesota over a biennium will provide something like $130 million dollars. As the *Tribune* reported this morning, just to extend our present school aid formula in Minnesota which is a new one attempting to eliminate some fiscal and educational disparities, just to extend that is going to cost the state 200 million. The federal revenue sharing money is not going to be the panacea. Again, this is part of the larger environment and I think that we need to be aware of this in considering the effect of litigation.

There's another line I would like to pursue if we assume that the conflict between the rights of the majority and the rights of the minority in special education litigation is analogous to the other kinds of civil rights activities that have taken place in the last 20 years; assuming Special Education litigation really was caused by inadequate response of institutions and that therefore, courts had to intervene. I think this points out some things that we ought to be aware of.

It was mentioned yesterday that much of the thinking going into the special education litigation has drawn on the Brown vs. Board of Education rationale back in 1954. But what these assumptions that I stated pose for us, I think, are a number of dilemmas; I heard some of these being discussed in the groups yesterday. Let me just pose some questions in this regard that are drawn from some of your comments. First, are the results of the special education right to treatment and right to education cases far ahead of the public philosophy in terms of provision of public services? Let me tie this back quickly to the progress report of education on that equal protection decision. We've had major problems since 1954 implementing that desegregation decision. Institutions, administrators, teachers, public officials and in some cases certain courts have found all kinds of creative ways of thwarting the will of the Supreme Court in that Brown vs. Board of Education decision. Basically, I'm assuming this was because that decision did not have support of the majority of people in this country. If this is analogous then the rights of the minority in special education cases need to be protected by the courts. Also, if the conditions are similar, we might expect to be in for a very long struggle in attempting to implement the special education litigation. The rights of the minority indeed have to be protected by the courts, but the administrative bureaucracy at the federal, state, and local levels including politicians and educators and others and citizens can in effect delay seriously or thwart the intent of that litigation. I think at least we ought to be aware that if the conditions are analogous the results might be analogous between the special education litigation and the civil rights litigation.

Can we expect at some point two or three years from now some public figures suggesting what we really need are constitutional amendments that redefine our role in providing services to all kids? This is one of the responses when the courts tend to get out beyond where public opinion is, and we have some of that going on right now in other equal protection areas. Will school officials and others attempt to force those court decisions to inaction or indeed fail to comply given support and sustenance by the fact that public opinion, really doesn't have a commitment to providing those services?

Let me raise one other issue or dilemma drawing from your discussions and that is the suggestion that maybe there is enough information being circulated about the problem and we need not stress this. In your discussion groups, there were many of you who felt that if we went out here on the street corner or in fact went to a Minneapolis Public School building and started interviewing teachers or administrators we would find an extreme lack of knowledge about the current existence or implications of the kind of litigation that you people were listening to descriptions of yesterday. I do not think that the knowledge of this among school people or citizens is very widespread. I'd hazard a guess that less than 1/10th of 1 percent of the people in Minnesota, even educators, are aware of the fact that there is currently a suit in progress in this state, and most of them would not have heard about Pennsylvania nor but a little about Alabama. That got a little press coverage up here but not much, certainly no analysis. So if in fact public opinion is an important element to begin to bring around to support the access to resources and commitment to provide services, we have a substantial information gap or educational gap that needs to be addressed and that will be a major problem.

Finally, I guess on a personal note rather than as a result of any of your discussion, I disagree rather substantially with Fred Wientraub's comments that you people are concerned only with designing the delivery system and programs to provide services to all kids and finding the money is somebody else's job. I could accept that in part if I assumed all of you people were simply technicians providing a service, but many of you as I look at the roster are administrators and part of an administrator's responsibility is to use whatever level of expertise he has to help secure the resources, and in fact I think it would be a shame, indeed, if in any class of administrators, special education administrators were to defer that responsibiity to the superintendent or someone else. You people, in my knowledge, have had to develop in order to get the resources in the past, some fairly high level skills, political skills, using pressure groups, lobbying, etc. and those kind of skills are the kind of skills your superintendents and administrators need and in large part don't have. So, if you pull out of this effort of trying to secure resources I think we are indeed in big trouble.

That's a personal note in response to Fred's comment. I have talked to him about that before but I haven't convinced him I guess. I hope that in all of your respective responsibilities, you provide the support and pick up a piece of that very important chore of securing the resources.

Dr. Jerry Chaffin:

I wish there were time for me to spend praising the planner of this conference but there obviously isn't. I have observed that the needs of the group have been looked after extremely well.

Some groups wondered if a basic premise of the current litigation in special education is based on a premise that programs are not too good. This probably resulted from the cases dealing with disparity of populations in special education, the blacks and the Chicanos, or the case that was mentioned of the child in New York who had only gained 1 year's reading achievement in 5 years school. There are some optimists among you who feel that probably the court action is really in support of special education; that our services are so good that parents will even do battle in the courts to secure more of them.

The second discussion area centered around whether or not public education would literally be held responsible for the education of all children. They wondered about the role of other agencies such as mental health or in some cases the division of institutional management, what role that they might play and for what the courts might hold them responsible.

There were a few people in one or two of the groups who wondered if education could be all things to all people. They wondered if such activities as toileting, ear cleaning, and tooth scrubbing truly is an educational function.

A third major theme that we heard in the groups was the recognition that each of us must go back and deliberately plan to implement some kind of a continuum of services and to eliminate or discriminately use at least the labels that we have applied to children. There was most serious discussion I think by most of the groups about who is going to define what educational services are, or what is quality education, or what are appropriate educational experiences. As Martin Glick mentioned, the courts at this point have been a little reluctant to define quality education but, as I recall, he added that he did't know how long they would remain reluctant if they are pushed into the definition of quality. I think this was of some concern to most of the groups. We seem to have shied away from trying to determine what quality really is other than providing service by numbers. We have been reluctant to look at any kind of measures in terms of teacher effectiveness and they seem to have the feeling that we might have to do that more. Just how we are going to do it was obviously not clearly resolved by the groups.

Some possible alternatives are the use of student achievement and its advantages and disadvantages as some kind of a measure of teacher effectiveness, skewed ratings by other teachers in the building or ratings of the teachers by students. They do a lot of that in the university nowadays. Someone wondered if a parent report card might not be a good idea, if the parents couldn't fill out a report card every six weeks on the teachers and send that in to them to be signed by the principal. The problem of the accelerated pace of change was also touched on in most of the groups. Changes in programs come so fast that they say that the training of staff becomes almost an insurmountable problem. People in the groups seem to feel that preservice training is almost an obsolete concept; by the time you get trained there are other kinds of things going on. Thus, the need for improved and systematic, planned, inservice seems like a major problem. And this university professor, in that regard, wonders what really the role of the university may be as concerns the teacher, especially when a suit is filed by a teacher against the university for not training her adequately.

Mr. John Groos:

I felt it was a little unfortunate as I received my assignment that despite the fact that we had two higher education types with us as summarizers that it became the lot of a state department official to describe manpower and training needs. I didn't really feel slighted because I think it is coming to the point where as we sit in our legislative committees, the legislature becomes increasingly able to point to those programs that they are paying for and questioning the "caliber" that some of the people in operation of these programs exhibit. On occasion we do find ourselves right in the training area and we have the necessary defense in these areas although I do have to admit that it was a little bit easier to articulate some of these problems.

As we got into manpower, and I would have to apologize to Dr. Reynolds who will speak to you later this morning in this particular area, as we got into this area we broke down in the groups apparently into three major sections. First of all, as we talked litigation process, we were wondering to what extent training will be demanded. For example, not only do we have to worry about the intent of training, but the level of the training and to what degree we get involved with the complete training process. What is the impact on the training process? What is the role of the consumer —parent, child, community? What effect is he going to have on the training process? And as we get into training and the emergency nature of training, how fast does this pull us into what many of us are in our colleges and certainly in our state departments struggling with the competency based certification questions? The lack of lead time is a real concern. What about the very press of litigation, the demand for service now for children; does this mean that we are going to have to possibly tool up our preservice process with extremely little lead time? How do we solve this problem? Do we have to get away from tooling up preservice because we don't have sufficent lead? Does this take us immediately into the emphasis on the inservice program and what does this mean for the teacher training organization? Are we preempting a basic role that it had assumed? If we do get into inservice, and certainly there is some indication that we are going to need to do this, what will this say in terms of the present role of the special education teacher? Is that teacher going to be involved with children as she has been traditionally? Does his/her role shift and will she suddently find herself dealing with general education teachers in a teacher training capacity right down there at classroom level? In special education do we have the forces for this kind of thing? And even more basic public policy question is, can the state aids that have been used in the process of teachers working with children automatically be used now for something else, for training of personnel?

Leaving this area and the real sticky one of the litigation process immediately raises the question of teacher autonomy. This is a delicate and interesting area. For example, a conflict that is likely to be raised with the zero reject model is, when can a teacher who might plead today that he is not specially trained reject from his class any individual child? In the litigation process where we've been demanding services for all children, is this immediately going to encourage acceleration of the grievance process in school districs? How is this going to be handled? Are we going to emphasize the legal status of the teacher's contract to a larger measure than perhaps we want to emphasize? Are we going to encourage the teacher to be over-involved in the negotiation process? Are we obviously going to build teacher tenure legislation? And do we want to get into this whole ballgame to this extent? What is the role? We seem to have more questions than answers.

What is the role of the teacher administrator? In any school, the mission is action with children. To what degree does public policy support or hold sacred the rights of the child and parent? Dr. Van Mueller raised the question of what happens in litigation when the courts get out too far in front of the public conern. The resulting backlash can hamper efforts and drive us backwards in our efforts to serve children. Stated another way perhaps as we consider the rights of the handicapped child and attempt to build some standard of free public education for him, do we also consider the right of the teacher vs. the rights of the handicapped child whom he is serving?

Someone facetiously raised the question of a potential suit by the teacher in the school district back against his training institution for semi-negligence in the preservice preparations. This raises a whole series of questions. Finally, the groups touched on the question of training of persons other than the paid professional, the paid paraprofessional, specifically addressing the parent. How do we define the area? How does the court define the area, the area to address in training? If we are talking about training of parents, who does this training? Does this fall back on the school districts? Does it fall back on the teacher preparation area because they have a certain level of expertise? What about trying to change parent attitudes? Who determines what standards the parents ought to assume in his attitude in the first place as he reacts to his child? And what about our parent counseling or training needs that a parent might have as they relate to their child in the instructional process? Is this only one step away from training aimed at resolving some of the internal kinds of parental conflicts and turmoil that might cause a parent not to be able to relate properly to his child? And is this then training or does it become therapy? Is it essential in the education process? If it is, how do we cope with this? And if we do get into some of these very strong feelings, strong needs in the parent education process, what is the role of the corresponding agency other than the public school in the resolution of these questions? So we did raise these kinds of things and we have all the questions and not too many answers.

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1971 conference staff

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